



**NORTH CENTRAL REGIONAL TRANSIT DISTRICT
BOARD MEETING AGENDA**

**January 6, 2012
1:00 PM- 4:00 PM
St. Vincent Hospital
Southwest Conference Room
Santa Fe, NM 87505**

CALL TO ORDER:

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. ROLL CALL
4. INTRODUCTIONS
5. APPROVAL OF AGENDA
6. APPROVAL OF MINUTES for *December 2, 2011*
7. PUBLIC COMMENTS

ACTION ITEMS FOR APPROVAL/ DISCUSSION:

- A. **Presentation and Acceptance of the FY 2011 Audit:** By Farley Vener of Hinkle and Landers, P.C., Independent Auditors for the NCRTD *Sponsors:* Anthony Mortillaro, NCRTD Executive Director and Kelly Muniz, NCRTD Financial Manager. *Handout*
- B. **Long Range Financial Plan and Task Force Recommendation:** *Sponsor:* Anthony J. Mortillaro, NCRTD Executive Director. *Attachment*
- C. **Approval of Resolution 2012-01: Adoption of a Disadvantaged Business Enterprise Policy:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Linda Trujillo, NCRTD Service Development and Projects Manager. *Attachment (Policy to be delivered via e-mail week of December 26th)*
- D. **Approval of Resolution 2012-02 : Adoption of a Title VI Policy:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Linda Trujillo, NCRTD Service Development and Projects Manager. *Attachment (Policy to be delivered via e-mail week of December 26th)*

- E. **Approval of Resolution 2012-03 : Authorizing the NCRTD Staff to Seek Funding at the 2012 New Mexico Legislative Session:** Sponsor: Anthony Mortillaro, NCRTD Executive Director. *Attachment.*

DISCUSSION ITEMS:

- F. **Update of the Jim West Regional Transit Center:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Mitch Davenport, Project Manager for the Jim West Transit Center
- G. **Financial Report:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Kelly Muniz, NCRTD Financial Manager. *Attachments*
- Regional Transit GRT
 - Combined P-L Format
- H. **Executive Report for December 2011 and Comments from the Executive Director:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and NCRTD Staff. *Attachment*

MATTERS FROM THE CHAIRWOMAN

- Appointment for Secretary/Treasurer for the NCRTD Board of Directors
- Appointment for Chair of the Tribal Subcommittee, Mary Lou Quintana

MATTERS FROM THE BOARD

MISCELLANEOUS

NEXT BOARD MEETING: *February 3, 2011 at 1:00 pm*

ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language Interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-438-3257 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.



**North Central Regional Transit District
Board Meeting
Friday, December 2, 2011**

CALL TO ORDER:

A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date by Chair Rosemary Romero at 1:13 p.m. at the Buffalo Thunder Resort, Pojoaque, New Mexico.

- 1. Pledge of Allegiance**
- 2. Moment of Silence**
- 3. Roll Call**

Roll call indicated the presence of a quorum as follows:

Members Present:	Elected Members	Alternate Designees
Los Alamos County	Councilor Michael Wismer	
Taos County	Commissioner Dan Barrone	Mr. Jacob Caldwell
Santa Fé County	Commissioner Robert Anaya	Commissioner Danny Mayfield
Rio Arriba County	Commissioner Barney Trujillo	
Ohkay Owingeh	Rob Lieb	
Pojoaque Pueblo	Mr. Tim Vigil	
San Ildefonso Pueblo	Councilman Raymond Martínez [T]	
Santa Clara Pueblo		Ms. Mary Lou Quintana
Tesuque Pueblo		

City of Santa Fé	Councilor Rosemary Romero	Mr. Jon Bulthuis
City of Española	Councilor Robert J. Seeds	
Members Absent:	Elected Members	Alternate Designees
Los Alamos County		Ms. Anne Laurent
Taos County		
Rio Arriba County		Mr. Tomás Campos
Santa Fé County		
Pojoaque Pueblo		Councilman Cameron Martínez
San Ildefonso Pueblo		Ms. Sandra Maes
Ohkay Owingeh	1 st Lt. Gov. Virgil Cata	
Santa Clara Pueblo	Sheriff John Shije	
Tesuque Pueblo	Governor Charles Dorame	Mr. Sammy Romero
City of Santa Fé		
City of Española		Councilor Helen Kane-Salazar

Staff Members Present

Ms. Cynthia Halfar, Executive Assistant
Ms. Kelly Muniz, Financial Director
Mr. Tony Mortillaro, Executive Director
Mr. Jack Valencia, Transit Project Manager
Mr. Peter Dwyer, Counsel for NCRTD

Others Present

Mr. Greg White, NMDOT
Mr. Bob Sarr, Santa Fé
Governor Mirabal, Nambé Pueblo
Ms. Linda Woods, Nambé Pueblo
Mr. Mitch Davenport, Facilities Manager
Mr. Andrew Jandáček, Santa Fé County
Ms. Judith Amer, City of Santa Fé

4. Introductions

Those present introduced themselves.

5. Approval of Agenda

Commissioner Anaya moved to approve the agenda as presented. Commissioner Barrone seconded the motion and it passed by unanimous voice vote.

6. Approval of Minutes for November 4, 2011

Mr. Mortillaro asked for a correction on page 4, item C where it should said the Executive Director was authorized to spend up to \$100,000 not \$1,000.

Councilor Wismer moved to approve the minutes of November 4, 2011 as amended. Commissioner Anaya seconded the motion and it passed by unanimous voice vote.

7. Public Comments

There were no public comments.

PRESENTATION ITEMS:

A. Presentation to Honor Board Director and NCRTD Secretary/Treasurer, Michael Wismer

Chair Romero identified this as a big transition meeting. She presented a plaque and a gift to Councilor Wismer. He was not retiring but transitioning. She read the inscription on the plaque.

Commissioner Anaya felt no member was more important than another but Los Alamos had been especially supportive in contributions to the NCRTD.

Councilor Seeds thanked him for his professionalism and for being one of the moving forces to see that the support was done.

Commissioner Trujillo echoed his remarks and appreciated the way he conducted himself and taught others a few things as well.

Chair Romero thanked him for his gift of polity.

Councilor Wismer said he stepped in for his great colleague Jim West when he became ill. He thanked individual staff and board members - Mr. Valencia, Commissioner Trujillo, Councilor Seeds, Ms. Quintana, Mr. Caldwell, Commissioner Anaya, Commissioner Mayfield, Mr. Vigil, Mr. Dwyer, Mr. Mortillaro and Chair Romero and spoke of their individual contributions.

B. Presentation of Recognition and Appreciation for Retiring NCRTD Staff member Jack Valencia

Chair Romero acknowledged Mr. Valencia's service to the Board upon his retirement at the end of December. Mr. Mortillaro read the inscription from the plaque that listed his accomplishments with NCRTD and spoke of Mr. Valencia's work on behalf of the region.

Mr. Valencia thanked the Board members and staff for helping him do his job.

Commissioner Anaya and Commissioner Trujillo gave kudos to Mr. Valencia.

ACTION ITEMS FOR APPROVAL/DISCUSSION:

C. Approval of Resolution 2011-14: Open Meetings Act for 2012

Mr. Mortillaro said the Board adopts this annually and it sets the dates for regular meetings and how they conduct the meetings according to the Open Meetings Act. The only change was on April 6th which was Good Friday; otherwise it was first Friday of each month.

Commissioner Anaya moved to approve the resolution. Commissioner Trujillo seconded the motion and it passed by unanimous voice vote.

D. Approval of Resolution 2011-15: Resolution for the Renewal of Free Fares for 2012

Mr. Mortillaro asked Linda Trujillo to discuss this resolution. This was a renewal of the original resolution from 2008.

Ms. Trujillo called attention to the costs associated with using fare boxes and the benefits of continuing free fares instead of instituting fares for riding the buses.

Mr. Mortillaro shared the recent research on free fares for transit agencies. Thirty nine agencies around the country didn't charge - most were in small or rural communities - also universities. They found the biggest benefit was that it increased rider ship significantly. He felt that was very important.

The drivers get well acquainted with their passengers and indicated they would lose some if fares were started.

Mr. Boaz asked for a date correction from Dec 31 2013 to Dec 31 2012.

Chair Romero said the full report on fares was about 100 pages. There was a shorter version that was relevant to the work here.

Commissioner Anaya distributed a memo he wrote this morning. He said former Commissioner Sullivan had approached him about charging fares. He asked what the total estimated costs to just handle the money would be.

Mr. Mortillaro said it would cost \$38,000 for installing fare boxes and another \$37,000 to administer them. So \$80,000 initially and roughly \$40,000 thereafter.

Commissioner Anaya said it was the feeling of some that a more formalized method of tracking could be done better with a fare system. He asked if there was any other way to track the riders. When you charge a fare it was much easier to use.

Mr. Mortillaro said he rode one of the most modern transit systems in Europe not long ago and purchased an electronic ticket and watched others do the same. He saw people get on the bus without putting in any fare and the driver was busy and couldn't call them on it.

Mr. Bulthuis said with the size of the system and operation the manual tally was the most common across the country. Those fare boxes would not have a way to track occupancy but just revenue. These were not the validating fare boxes that the larger systems had and which were much more expensive.

Commissioner Anaya thought they should always analyze the resolution to dispel concerns about this way of doing business. This memo was written with the article in the Taos News that said how expensive the rider trips were.

Commissioner Anaya read his memo [attached as Exhibit A]. He acknowledged that the article could be written out of context. He acknowledged that they had to look at more than just the money. He fully supported the resolution.

Commissioner Anaya moved to approve the resolution. Commissioner Barrone seconded the motion.

Commissioner Barrone said if the NCRTD approved this they were taxing them with federal and local taxes.

Councilor Seeds agreed with Commissioner Barrone.

Chair Romero said they would have another look

The motion passed by unanimous voice vote.

Councilor Seeds suggested having a workshop ahead of this resolution next year. Chair Romero agreed to that directive.

Commissioner Anaya thought the workshop could be done at any time and the Board could consider changing the resolution at any time.

Councilor Seeds wanted to make sure they would do all they could to consider the taxpayers.

E. Approval of Resolution 2011-16: Requesting the Rio Metro Regional Transit District to Provide a

Board Seat to the North Central Regional Transit District

Mr. Mortillaro participated on the Rail Runner Finance Task Force and there was some discussion about seeing if NCRTD could get a seat on their board. They had an agreement and forwarded 50% of the Santa Fé portion of the NCRTD GRT to them for the Rail Runner. They indicated it would need a resolution.

He looked at the bylaws of Rio Metro. Theirs was quite a bit like ours and it would be a challenge to allow us to have a seat.

He was not sure of the politics among their members. This resolution makes a request for a seat but we might want to consider an ex officio seat. That wouldn't provide NCRTD with a vote but would officially recognize NCRTD as a member on their board. He thought it was a good idea.

The MPO also sent a letter requesting a seat for Santa Fé City and Santa Fé County. The MPO staff had not received a response to their request.

Rio Metro decisions did have an impact on Santa Fé so that was why it was an important consideration.

Chair Romero reported the City of Santa Fé had a meeting with Santa Fé County folks and Rio Metro folks back in the fall. Mayor Coss also requested a seat at the Rio Metro Board. The Mayor would defer to the RTD. He understood the dynamics of changing by-laws and IGAs would be very complex and challenging. So the City was amenable. They were a member of the MPO.

Councilor Wismer asked who was on that board now.

Mr. Mortillaro said it was representatives of Albuquerque, Bernalillo County as well as Sandoval County

Councilor Wismer asked what Mr. Mortillaro's role was there now/

Mr. Mortillaro clarified that he was on the Rail Runner Task Force for finances. They indicated they were having financial troubles and there were suggestions by Santa Fé County and representatives and they were forwarded to the Task Force. They now had a Governor's representative, a NMDOT representative and himself.

They came up with recommendations and one of the short-term ones was to approach the NCRTD for more money. So his preference was to have a vote. But it might be simpler to get an ex officio seat as a camel nose under the tent to get involved.

Councilor Wismer surmised it came down to at least being ex officio or to push for being a voting member. Mr. Mortillaro agreed.

Mr. Vigil wondered if the two could be tied together and Rio Metro be asked to grant voting privilege after two years. Then if they accepted the proposal after two years it would be automatic.

Mr. Mortillaro didn't know because the district was a geographic area. He questioned if they could put a district within a district or include Santa Fé County and put them into two taxing entities.

Mr. Dwyer noted later on the agenda was an item on considering other members. Other people were interested. Rio Metro had their own legal counsel and was free to disagree. The district boundaries were important for imposing taxes. The statute didn't do a good job about adding and subtracting members - not well written. Weighted voting was not addressed in the statute. They could give us one vote but not become a member of their district. So he thought it was possible but their legal counsel could disagree.

Commissioner Anaya said board members sat on various boards - RPOs or MPOs. They were going to be asked to sit on Mid Region RPO. Our one vote would not impact their decisions among those counties and cities so he would agree that they might not end up with a board seat but should still support the resolution. They were not unreasonable people. If it turned out to be ex-officio, so be it. He didn't think they would have a strong objection to us sitting at the table.

Chair Romero noted that they decided to reduce weekend service without talking with us. The NCRTD had to have some kind of representation. She wanted their whole board to understand the impact to our region when they take away weekend service. They made a decision and we have to have representation. She was hearing to seek full membership. Commissioner Anaya agreed.

Mr. Bob Sarr said he had followed the Rail Runner for a long time and strongly supported this resolution. The NCRTD definitely deserved to have a vote.

The motion passed by unanimous voice vote.

Commissioner Trujillo asked to hear Mr. Valencia's comment.

Mr. Valencia explained that originally when the decision was made it was to not be a voting member because of the insurance implications - that there could be a greater risk on our insurance costs because of greater liability exposure.

Mr. Mortillaro agreed that was an issue they discussed. A couple of weeks ago he and Mr. Dwyer met with the Municipal League and from their comments he no longer had that concern. Having a seat didn't change that.

Mr. Valencia apologized and was unaware of that conversation.

F. Discussion of New Membership Interests, Direction and Possible Board Actions

Mr. Mortillaro met with Nambé Pueblo about their interests in membership and with Commissioner Mayfield would meet with Governor Mirabal and the administrator Ms. Woods.

So he brought it forward for consideration. Also the Village of Chama was included in the minutes from

2010 about that. It had a list of questions to ask the Village and once answers were received could consider them for membership.

Staff wanted direction for how to handle requests for membership with a standard list of questions and could bring them to the next board meeting.

He asked Mr. Dwyer to talk about the lack of clarity in the bylaws.

Mr. Dwyer said a memo from two years ago was in the packet. It was based on a possible request to withdraw from membership. The key in the statutes was to look at geographic area as a taxing entity - through counties and not municipalities or pueblos. The statute didn't do a good job about how to do it.

The board amended the bylaws to add Taos County so it could be done. It required a 2/3 majority vote after a public notice and then take the IGA and get it re-executed by the counties. It took a long time last time. Then a new resolution on weighted voting would be needed. He didn't know how that was done but thought it was by subtracting populations of municipalities and pueblos in that county who were members.

Commissioner Anaya felt the broader the perspective, the better - so more members were better. So he would gladly help with Nambé Pueblo.

Councilor Seeds agreed. The RTD had a challenge ahead and needed to encourage other communities to partner with us and work out the voting. We got it done in the first place and need to improve on it. We'll need them to support this transit system soon.

Councilor Wismer supported those comments. He asked why they couldn't use the criteria in the by-laws. Ten items were listed but he thought they could use 3-4 of them - by-laws and IGA. A public hearing and then a vote - he asked if they could use that.

Mr. Dwyer agreed. The statute requirements were minimal. They worked on more details but they never got approved. So they would have a public meeting and then those seeking membership would indicate if they wanted to be members and then a 2/3 majority of votes and weighted votes and issue a revised IGA and everyone would have to support the agreement.

Councilor Wismer supported that.

Commissioner Mayfield asked Mr. Dwyer if they had to redo the weighted voting since the new census was completed.

Mr. Bulthuis didn't recall that was part of the original by-laws but it did make sense to do that.

Mr. Dwyer agreed it would make sense. The weighted voting was a resolution but not part of IGA or by-laws.

With a small member like Nambé and Chama, given their small size, would probably just get one vote. The core of the taxation scheme was that people in the area should have a say.

Commissioner Anaya moved to approve Nambé Pueblo and the Village of Chama as voting members.

Mr. Mortillaro conditioned it on doing these four things -

Commissioner Anaya asked about Edgewood whom the RTD already served.

Governor Mirabal was invited to speak and thanked the Board for that. His main concern was that Nambé was over 1.25 miles from the regular route and 2 miles to the pueblo offices. For now, he asked if it was possible to extend a route or stop at 101. That would be helpful.

Mr. Mortillaro said after they met with the Governor, he had staff look at it and found they could add a stop at 101 and could eliminate a couple of others so they would be putting that on a new schedule to start soon.

Mr. Vigil clarified that although minutes were part of public record, the tribal council minutes would not be made public but the Board would get a tribal resolution requesting membership in NCRTD. Under item 7 for turning over grants that entities might be getting, those grants were specific to the tribe for transportation so they probably would not be able to do that. Something about that would need to be written.

Mr. Mortillaro said Mr. Vigil was right and the rewritten tribal policy addressed that. Unfortunately the statute didn't include the tribal perspectives. He thanked Mr. Vigil for clarifying that.

Chair Romero suggested they could change that to add tribal process.

Mr. Dwyer clarified that there needed to be an open meeting for taxation purposes but our entities were already taxed. The statute was just poorly written.

Commissioner Anaya asked if he could finish his motion. Commissioner Anaya moved to approve Nambé Pueblo and the Village of Chama as voting members and to use the streamlined process and not compromise tribal sovereignty in any way. He added Picuris Pueblo, Edgewood and then made a substitute motion.

Councilor Anaya moved to send a letter to any eligible entity in the region through the streamlined process. Councilor Seeds seconded the motion.

Chair Romero said people did believe that if their entity joined the RTD they would get services but there was not extra money for that so she asked for a friendly amendment to have a resolution asking the county commissions to have a public meeting to consider whether these communities should be included with the understanding that the RTD had limited resources and people already had representation on the board through the County.

As a matter of record, the Town of Taos also asked for membership. We need to look at the Service Plan as a whole. Efficient services could help Nambé so there were ways to address it.

Commissioner Anaya didn't accept that as a friendly amendment. He would continue to advocate for membership expansion.

Councilor Wismer supported the motion but had a concern for pueblos that might want to apply under these provisions for pueblos - or in a case of a tribal government "as appropriate."

Mr. Dwyer thought that might be the way to go but they could not change the statute which required minutes of a public meeting. To the extent we didn't follow it that would not be legal.

Commissioner Anaya couldn't think of one legislator who wouldn't change the statute. **He accepted Councilor Wismer's friendly amendment to add "as appropriate."**

Mr. Dwyer said okay but was putting the Board on notice that he did notify the Board of the potential difficulty. He suggested the wording be, "or as appropriate from tribal entities."

Mr. Vigil didn't want to step on anyone's toes but there were plenty of statutes out there that wouldn't be followed on tribal grounds.

Mr. Dwyer agreed. It was just not well written and didn't contemplate this.

Mr. Vigil didn't think anyone would have a problem with it but if there was a question, they could contact state legislators.

Ms. Amer asked if tribes ever did public hearings.

Mr. Vigil said the invited guests would be asked to leave after discussion for a vote to be taken so it was not public per se. Each tribe was completely different - who sits on the council, who had a vote - it was just the way things were.

Mr. Dwyer added that the public meeting did not need to be part of a tribal council meeting. Maybe the Board could do that for the applicants. First they would need to check with them to see if that was okay.

Councilor Wismer said his amendment was to clarify that in the case of a tribal government to use an equivalent process.

Chair Romero said on page 2 they had 4 things and were trying to add to #3 to request instead of minutes of a public hearing an equivalent process. If they left #2 alone and ask for the changes to be on #3 it would be okay.

Commissioner Anaya thought having both was okay.

Commissioner Anaya said they dealt with the tribal governments regularly. He respected our legal counsel and was ready to vote.

Councilor Wismer summarized that they had a motion on the floor. He made a friendly amendment

which was accepted and also from #3 from Chair Romero so there were two friendly amendments.

Commissioner Anaya asked, once they were members, if he saw any problem with the balance of those things.

Mr. Mortillaro saw no problem.

Commissioner Anaya said it was then to talk with any entity in the region. Councilor Seeds was accepting the friendly amendments.

Mr. Caldwell believed the result would be a letter to tribes and municipalities in the region and thought when they received it they would consider themselves invited to be members. And then at a subsequent hearing of this Board, he thought they should develop the criteria and let those who were interested know about weighted voting as it stands today. But he asked if this passed if any entity that complied with the criteria would become a member.

Mr. Dwyer said it required a 2/3 majority vote of this board for that to happen.

Commissioner Anaya agreed. They would express interest or not and staff would report back those that were interested and the Board would have a public meeting with a 2/3 vote required.

Mr. Caldwell cautioned that the Board had to have the criteria for their membership and their understating of weighted votes. If that was done, he was fine with that. But until they established the criteria and how to process the requests there might be a delay.

Commissioner Anaya understood that. The letter needed to be clear that they were writing a letter to express interest in being a member of the board and then the Board would proceed through the rest of the process.

Mr. Caldwell thought should be tribes, pueblos and incorporated municipalities.

Mr. Dwyer said there was a list of eligible entities who could be members. They could sort it out at that time whether they qualified under the statute. The list was in the preamble of the statute.

Commissioner Anaya clarified that membership wasn't guaranteed. That needed to be clear in the letter.

Councilor Seeds proposed that staff should draft a letter and the Board approve it at the January meeting after review.

Ms. Amer thought they should deal with Nambé now.

Commissioner Anaya said if they opened the door partway it should be opened all the way. Everyone should be given the same opportunity. He reminded them that Cochiti was in his district and part of Santo Domingo - and they were sitting on the Rio Metro Board now and the train goes through their pueblo. So

there were other benefits. So he was okay in sending the letter to those eligible by the statute list.

Ms. Amer cautioned about avoiding a rolling quorum in the emailed responses. The members should only reply to Mr. Mortillaro to avoid that.

Commissioner Anaya summarized the motion.

The motion passed by majority roll call vote with Los Alamos County, Rio Arriba County, Taos County, Santa Fé County, Pojoaque Pueblo, San Ildefonso Pueblo, Santa Clara Pueblo and City of Española voting in the affirmative and the City of Santa Fé voting against (because of lack of clarity).

Ms. Woods said they were confused. The reason they were here was because they were invited. She was from Tesuque but worked for Nambé. They just wanted to have the same services their fellow pueblos were receiving. Their job was to provide services to their people.

Chair Romero invited her to attend the Tribal subcommittee.

DISCUSSION ITEMS:

G. Update of the Jim West Regional Transit Center

Mr. Mitch Davenport reported that the building was doing well and close to being done but was not ready to be occupied because of the soil problem. They were now investigating two alternatives - one was a chemical ionization treatment to the soil and an engineer was working on it. It was a quarter of the price so they were looking into it. While it had been used extensive in the rest of the world it had hardly been looked at all in the US.

The other alternative was concrete. That would be a great surface for the parking lot but very expensive.

We could always go back to the original design but it was not likely to work. The area was notorious for bad asphalt work. That was where it stands.

Commissioner Trujillo was bewildered because when he looked at asphalt parking lots around there they seemed to be okay. They set the contract up and wanted to hold the company accountable without change orders and this was a major change order. He saw most businesses around there with pretty good parking lots - Lowes, Chili's WalMart. He was just frustrated.

Chair Romero agreed.

Commissioner Trujillo asked who knew what would happen with putting the chemical into that soil.

Mr. Davenport said the claims were no environmental problem in that process. He did think they could

have a parking lot like Lowes. But the guy who built that one thought it would fail.

We could do what everyone else did in that area but he wanted the Board to understand that it could fail in a short amount of time.

Councilor Seeds felt that whatever happened in the next few years, the NCRTD would get blamed for putting chemicals in the ground.

Mr. Davenport had hoped to have the estimates before this meeting but couldn't.

Councilor Seeds said it was just a high water table and having it float with the water would be best.

Mr. Davenport said their civil engineer was working on a concrete plan and another engineer was working on the ionization process. Nothing would be done without the Board's approval.

Councilor Seeds asked how much longer it would be to occupy it.

Mr. Davenport said it could be occupied by December 26.

Councilor Seeds asked what the Board needed to do.

Mr. Davenport said if the Board wanted to pay for concrete, we could start tomorrow. He shared concerns with Commissioner Trujillo that their estimate was not reasonable.

Mr. Mortillaro said it was \$500,000 to \$600,000.

Chair Romero said they wanted really very good numbers.

Mr. Davenport said the ionization numbers were fabulous but he needed to first know if it would work. Also he had never seen concrete for this size parking lot. Time was money and they were in the middle of winter so he could not say.

Mr. Vigil asked what kind of guarantee we would get on this from the contractor.

Mr. Davenport said it was one year with the State of New Mexico price agreement. That was why he was trying to do a risk assessment on this. If we spend that kind of money and think it could fail in five years - that's crazy. But if we find a product that performs the way ionization works, they claim 15 years in other parts of the world. It was worth our time to look into it.

Commissioner Mayfield suggested moving into it in December by throwing some base course on the parking area so it could be used.

Mr. Davenport thought the City of Española would cooperate to get us a certificate of occupancy. Normally landscaping and curb and gutter would have to be in place and they wouldn't have those things. It was an option and he had discussed it with the city.

Ms. Amer read the article in the Rio Grande Sun about the geological evaluation - Apparently the problem was known and yet was approved. She asked if that was the architect who did that.

Mr. Davenport said the article was very misleading. He was quoted several times with things he didn't say. He explained the process. Weston did borings on the site as a sample of what the soil was and made recommendations based on what the RTD wanted to do on it - drive buses on it. The soils report went to architect and civil engineer.

They recognized in the soils report that there was a high water table and it was important that these soils didn't get wet.

Councilor Wismer excused himself from the meeting at this time.

Mr. Davenport said when they stripped off the asphalt they sank down in mud. The design team designed it based on the soils report. So it was hard to say it was their fault. Looking back it would have been better to not take off all of the asphalt but that was a typical process. He didn't think he could say it was the architect's fault. The aim was still to open the building in February. Mr. Mortillaro agreed.

Mr. Mortillaro said if they could not do it with funds available, he would come back.

Commissioner Trujillo hoped they could get this done before the winter got worse.

H. Financial Report:

- **Regional Transit GRT**
- **Combined P-L Format**
- **Status of the FY 2011 Audit**

Ms. Muniz had worked very hard over the last year to get our finances in order. She briefly reviewed the GRT report and summarized that they were on track. They were one third through the fiscal year and were falling right where they should be on most line items. She noted she was still processing October invoices. Overall, the expenses were about 28% of budget.

This morning she got confirmation that the audit was submitted by the 30th so they met the deadline.

Chair Romero congratulated her for the achievement.

Commissioner Anaya asked if she just got the agency to be point where they didn't have all those concerns. Ms. Muniz agreed.

I. Finance/Regional Coordination & Consolidation Subcommittee Report

Mr. Caldwell said they had a discussion last time on two items. Now he was delighted that he would get a replacement as chair of Finance Comm.

J. Executive Report for November 2011 and Comments from the Executive Director

- **Request for Submittal of Letter to Los Alamos County Regarding the Progress Through Partnering Program**

Mr. Mortillaro said the Executive Report was in the packet.

He said the Los Alamos County Council would discuss the Progress through Partnering Program. They have \$1.5 million for a regional project. He spoke with the chair and staff and they suggested we send a letter to renew that funding for the NCRTD. What he was requesting was authorization to send it.

Commissioner Anaya moved to approve the request. Commissioner Barrone seconded the motion and it passed by unanimous voice vote.

Commissioner Barrone asked if anyone would be there to speak to it.

Mr. Mortillaro said he would find out what they needed to do. There were other things that were funded and he didn't know how much they might award the NCRTD. We want them to renew the five year agreements that provided for a five year program.

Chair Romero asked him to email the letter to all board members. Mr. Mortillaro agreed.

Mr. Mortillaro said a gentleman from Ojo Caliente asked for a change in the route stop in their community and to let you know, Ms. Trujillo was able to add that stop.

Ms. Trujillo said he even offered to put up a sign for us. We were out of route stop signs.

Chair Romero appreciated her work and his contribution.

Mr. Mortillaro said they were not done with audits. The NMDOT Inspector General wanted to audit their pass-through federal funds that come to the District. Ms. Muniz was working with them on the audit. The FTA come February would also audit the district. So it was 5 audits in one year. And that was okay because it would put a line between what was past and what was going forward.

MATTERS FROM THE CHAIRWOMAN

- **Appointment of Secretary/Treasurer**

Chair Romero asked, with Councilor Wismer leaving the RTD, if the Board could postpone this matter until January when Councilor Geoff Rodgers would be present. The Board agreed.

- **Appointments for Chairpersons of the Tribal and Finance Subcommittees**

Chair Romero asked Tim Vigil to chair the Finance and Tesuque Pueblo to chair the Tribal Subcommittee. She thought Gov. Dorame would ask Sam Romero to do that.

She thanked Mr. Vigil for doing this. With his expertise and experience with Pojoaque he would do well.

MATTERS FROM THE BOARD

Commissioner Anaya suggested it wouldn't hurt to have multiple board members go to the audit exits. It was the chair's prerogative.

Chair Romero said she did invite the officers and would invite all board members so they could get further input.

Commissioner Mayfield thanked Mr. Mortillaro and staff for cleaning the shelters. He saw the article.

Councilor Seeds pointed out that the discussion on the parking lot had no decision.

Chair Romero said only a budget change request would bring it for a vote by the Board.

Mr. Mortillaro said if the option was within the budget we would move forward and if it was not, he would bring it to the Board.

Mr. Mortillaro and Chair Romero wished everyone a Merry Christmas.

MISCELLANEOUS

There were no miscellaneous items.

NEXT BOARD MEETING: January 6, 2011 at 1:00 p.m.

ADJOURNMENT

The meeting was adjourned at 3:45 p.m.

Approved by:

Rosemary Romero, Chair

Attest:

Michael Wismer, Secretary

Submitted by:

Carl Boaz, Stenographer



Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: January 6, 2012

Agenda Item # B

Title: Long Term Financial Plan and Strategy

Prepared By: Anthony J. Mortillaro, Executive Director

Summary: The attached draft Long Term Financial Plan (LTFP) and Strategy provides revenue and expenditure trends and projections for the next ten years. It also provides for basic underlying strategies for adoption. The intent of the strategy is so that the District continues to look ahead and to plan for possible financial issues and challenges it might be faced with over the next 10 years.

The Board adopted Financial Policies require that a ten-year LTFP be prepared and updated annually concurrent with the development of the annual budget. Therefore, this document will again be presented to the Board in May 2012 concurrent with the presentation of the recommended FY 13 budget and annually thereafter.

Background: The Executive Director commenced the development of this LTFP and associated strategy in his various capacities with the District. In addition during the discussion, review and subsequent adoption of the allocation funding distribution method for regional services in May 2011 the Board authorized the formation of a Task Force consisting of members from the finance staffs of various member entities to participate in a discussion and development of a final recommendation on the Districts LTFP including the allocation methodology for NCRTD GRT towards approved regional services plans. The specific tasks to be undertaken and the charge for this Task Force were as follows:

1. Review of various NCRTD GRT allocation methodologies;
2. Review Long Term Financial Plan for 2013-2021;
3. Provide a recommendation to the Board of Directors in relation to items 1 and 2 above;
4. Commit to attend four meetings from September through December;
5. Present the recommendations to the Board for consideration at their January meeting.

The Task Force consisted of the following individuals and entities:

1. Los Alamos County: Steve Lynne, Acting Assistant County Administrator and Chief Financial Officer; Jill Carothers, Management Analyst.
2. Santa Fe City: Jon Bulhuis, Transit Services Director; Dr. Mel Morgan, Finance Director.
3. Taos County: Jacob Caldwell, County Manager.

The LTFP went through significant analysis and scenario development and the three scenarios that are depicted in the Plan were those that the Task Force concurred on as being potentially reflective of possible future conditions. In addition, the Task Force concurred on retaining the FY 12 regional services funding allocation methodology as the preferred method.

Long Term Financial Strategy

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graph TD; A[Long Term Financial Strategy] --> B[Make Trade-Offs]; B --> C[Do it Well]; C --> D[Focus on District Customers]; D --> E[One Time Revenues]; E --> F[Invest in Employees]; F --> G[Pursue Innovation]; G --> H[Cost Recovery and Consolidation];
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Make Trade-Offs

Do not initiate new services/routes without either (a) ensuring that revenue to pay for the services can be sustained over time, or (b) making trade-offs of existing services/routes.

Do it Well

If the District cannot deliver a service "well", then the service should not be provided at all.

Focus on District Customers

Give priority to maintaining existing services.

One Time Revenues

Use unexpected one-time revenues or revenues above projections strategically to fund prioritized capital needs and not for ongoing services or operations.

Invest in Employees

Invest in employees and provide them with resources and comparable pay which will maximize their productivity.

Pursue Innovation

Innovative approaches to service delivery should be pursued and continue to implement operational efficiencies and cost saving measures in achieving District Values. Partnership and cost sharing or service provision strategies with others should be pursued.

Cost Recovery and Consolidation

Continue to evaluate the implementation of fares or the need for future fare rate increases once implemented.

Evaluate the consolidation of existing transit service providers in the District and do so on a regular basis to ascertain when it will make sense.

Recommended Action: It is recommended that the Board discuss the draft LTFP and associated strategies and provide comment. The Board may choose to also move to adopt the document if it meets the Boards expectations.

Options/Alternatives: N/A

Fiscal Impact: None

Attachments:

Long Term Financial Plan and Strategy



2012

Long Term Financial and Strategic Plan FY12 - 21



Anthony J. Mortillaro, Executive Director
North Central Regional Transit District
December 14, 2011



North Central Regional Transit District Long Term Financial Plan

The Long Term Financial Plan (LTFP) is defined as a document that identifies fiscal issues and opportunities, establishes fiscal policies and goals, examines fiscal trends, produces a financial plan and provides for feasible solutions. The LTFP allows the District to focus its efforts on long-term initiatives, including funding for necessary service delivery, maintenance and capital needs, without compromising its financial future. With the District still being a relative new entity, it is necessary that it make strategic decisions based upon the financial strategy encompassed by this plan.

Risk Analysis

The LTFP is based on a number of assumptions and projections of key variables such as; cost inflation, revenue growth or declines, interest rates and availability of federal funds. Although adequate contingency factors have been included in all of these key variables, the financial forecasts are still vulnerable to periods of economic recession and/or “spikes” in costs of fuel, labor or operational materials. This Financial Plan reflects cash flow and cash reserves (the District has no debt obligations at this time) to meet all financial obligations. However, a worsening downturn in the economy beyond that already factored into the financial plan would most likely require further expenditure reductions and a delay in implementation of any system expansions currently reflected in the approved Service Plan.

The key elements of the LTFP are as follows:

- Multi-year budgeting helps avoid reactionary measures like across-the-board cuts in expenses, a hold-the-line strategy for line item expenses, freezes in hiring, or even layoffs.
- Develops a ten-year projection of revenues and expenses - without regard for balancing budgets over the ten years.
- Emphasizes scenario building - rather than one "right" answer.
- Allows the District to target and quantify any projected tax and rate increases over the next five or ten years.
- If Fares are going to be implemented, it avoids Fare shock by planning reimplementations and future increases.
- Emphasizes moving toward cost-to-serve.

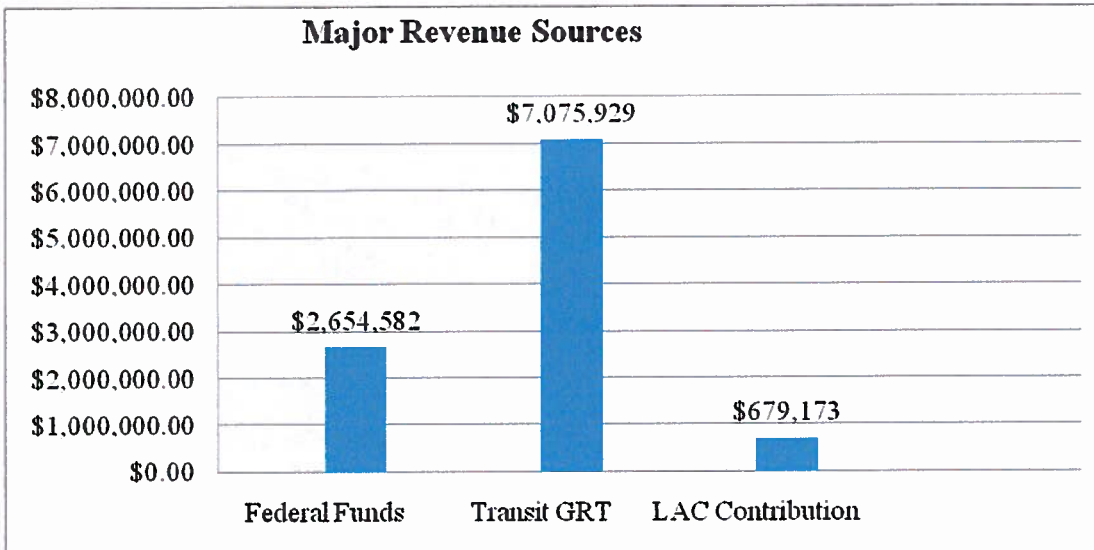
- Seeks input on program and service cuts from Board Members, District employees, regional planning boards and commissions, neighborhoods, customer surveys, and constituent focus group meetings.
- Addresses long term problems years before they occur.
- Forces the District to deal with many of tomorrow's problems today - rather than simply waiting on the problem to surface.
- Emphasizes communicating better with the public.



Revenues:

The NCRTD currently relies on the following funding sources in FY 12;

Funding Source (FY12)	Amount	% of total revenues
Federal funds (5311, 5309 and miscellaneous)	\$2,654,582	25.4%
NCRTD GRT funds	\$7,075,929	67.71%
Los Alamos County Contribution (expires in 2012)	\$679,173	6.5%
Miscellaneous Revenue	\$40,000	0.39%
Total	\$10,449,684	100%

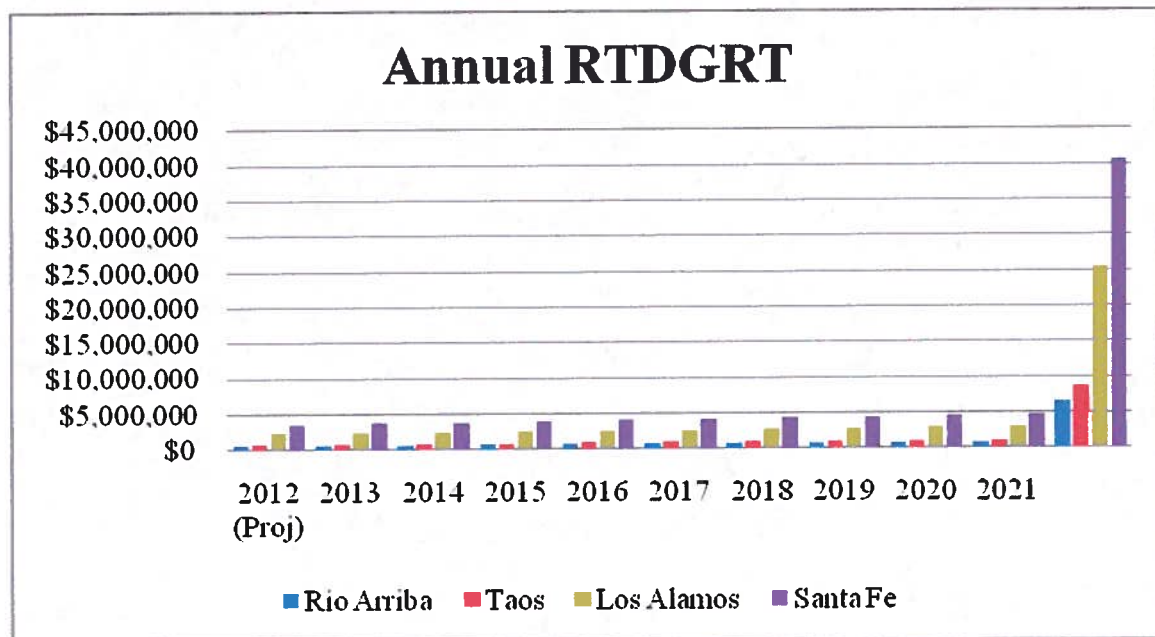


The three major sources of revenue that fund the NCRTD are not varied and as can be seen by the above charts, the majority of funding is derived from the NCRTD GRT tax. Furthermore, the NCRTD's statutory ability to generate revenue is defined as tolls, fees, rates, charges, assessments, grants, contributions or other income and revenues received by the district. The District can also impose up to a one-half percent of the gross receipts tax through a general election, which the District voters passed in 2008 but it was limited to 1/8th and was approved with a 15-year sunset provision. As such, the NCRTD GRT will expire in 2024. However, the District can generate additional GRT revenue by requesting the voters to consider further increases up to the one-half percent limitation. However, the likelihood of requesting additional tax increases to fund the District is very unlikely.

Forecasting NCRTD GRT tax revenues presents unique challenges, as its jurisdictional boundary related to the County where the tax is derived does not correspond to common economic factors. The economies of the counties of Rio Arriba, Taos, Santa Fe and Los Alamos are driven by varied economic factors that contribute to the amount of GRT tax generated. These factors influence how much revenue is generated within each entity and subsequently transmitted to the State and then to the District. The estimate for GRT generated within each County is individually forecasted and then incorporated into the overall projection.

The projected revenue based upon an average inflation rate of 3% for each county over the next nine years is as follows and does not include any increased revenue due to Los Alamos National Laboratory (LANL) capital spending:

Year	Rio Arriba	Taos	Los Alamos	Santa Fe	Annual Total
2012(Proj)	\$568,528	\$745,391	\$2,213,322	\$3,548,688	\$7,075,929
2013	\$585,584	\$767,753	\$2,279,722	\$3,655,149	\$7,288,207
2014	\$603,151	\$790,785	\$2,348,113	\$3,764,803	\$7,506,853
2015	\$621,246	\$814,509	\$2,418,557	\$3,877,747	\$7,732,059
2016	\$639,883	\$838,944	\$2,491,113	\$3,994,080	\$7,964,020
2017	\$659,080	\$864,112	\$2,565,847	\$4,113,902	\$8,202,941
2018	\$678,852	\$890,036	\$2,642,822	\$4,237,319	\$8,449,029
2019	\$699,218	\$916,737	\$2,722,107	\$4,364,439	\$8,702,500
2020	\$720,194	\$944,239	\$2,803,770	\$4,495,372	\$8,963,575
2021	\$741,800	\$972,566	\$2,887,883	\$4,630,233	\$9,232,482
Total	\$6,517,536	\$8,545,072	\$25,373,256	\$40,681,731	\$81,117,596



The District has the ability to bond for capital expenditures, which requires the ability to repay this debt through District revenue. To date the District has not issued any bonds and whether bonding would be considered in the future is very dependent upon the need and the ability to repay the debt. Furthermore, due to the overall general economy nationally, within the state and in the district's boundaries, the NCRTD cannot anticipate realizing any increases in federal funding or state resources. The federal funds passed through the New Mexico Department of

Transportation amount to approximately \$2.6 million yearly. This represents 25.4% of the Districts operating revenue.

The NCRTD is reaching a decisive stage in terms of its revenue sources when the Los Alamos County (LAC) contribution expires in 2012. The LAC Funding contribution was a 5-year commitment that originated from its "Progress through Partnering" program to distribute a portion of the increased GRT revenue it realized when Los Alamos National Laboratory (LANL) became a taxable entity. Los Alamos County committed to expend up to \$1.5 million per year towards regional activities enumerated in the 2007 Cooperative Agreements. One of those regional commitments was to allocate \$1.1 million per year to the NCRTD. To date Los Alamos County has provided this funding; however, with the agreement soon to expire and a new majority of Council members having taken their offices in January 2011, the Council will likely undertake a review of this program and its commitment to funding regional activities.

Since the majority of workers at LANL, approximately 56% live and commute from the surrounding communities, the region would hope that Los Alamos County would consider its ongoing commitment to Northern New Mexico for funding regional projects. In addition, Los Alamos County may be experiencing another significant infusion of increased GRT revenues due to major reinvestment into capital infrastructure at LANL. LANL, because of Congressional approval of the Strategic Arms Reduction Treaty "Start" with Russia, has expressed an interest in reinvesting approximately \$5.5 billion into new facilities at the Laboratory. This new investment if it occurs will generate approximately \$61 million in new one time GRT revenues for Los Alamos County over the life of the construction projects, which are additive to the increased ongoing revenue that the County experienced when the Laboratory became taxable. However, these new revenues are derived from one-time construction projects so the increased GRT revenue is not a reoccurring source of funding. It is not clear whether any other NCRTD member entity will experience an increase in their GRT revenues because of increased LANL spending. Likewise, the State of New Mexico will experience an increase in new GRT revenues because of LANL spending. Similarly, the NCRTD will realize some of this increased GRT revenue as well, however, it will be critically important that the increased NCRTD Transit GRT is not fully programmed into ongoing service programs but placed into reserves or one time capital needs. It is estimated that the additional NCRTD Transit GRT to be generated from this new spending is approximately \$6,875,000 over a ten-year period. This amounts to approximately \$687,500 per year. It is not clear at this time whether this additional revenue would be subject to the adopted GRT revenue allocation method.

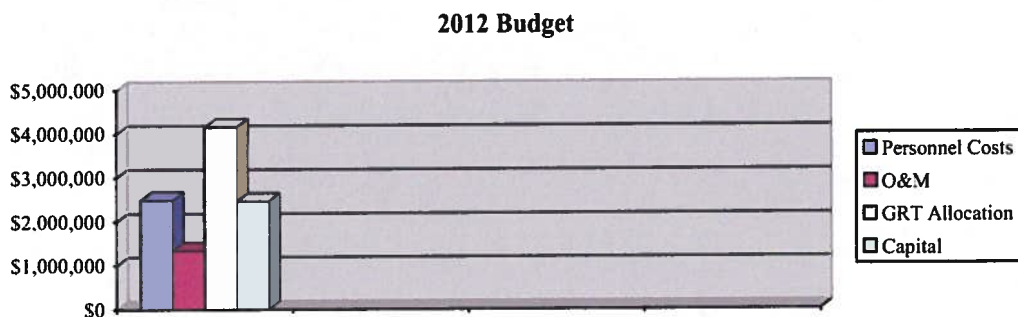
The NCRTD GRT although generated in each county within the District boundaries is a funding source legally bound to the District. The redistribution of these funds is solely based upon a resolution entered into with Santa Fe County. No such agreement exists with any other member entity. It is clearly within the Boards discretion to manage the distribution of this revenue source in light of the Districts changing financial picture and long-term prognosis that revenues are not going to appreciably increase. Should the NCRTD not elect to redistribute these funds as currently provided or to modify the distribution formulas upon the expiration of the Los Alamos County Contribution, the NCRTD could use these revenues to soften the economic prognosis

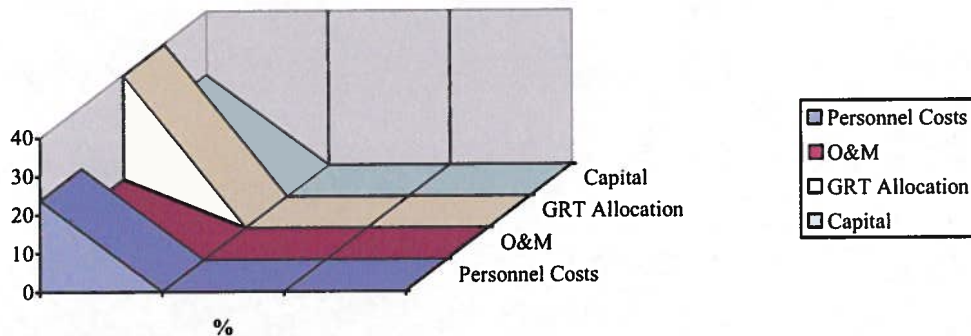
presented in the various LTFP scenarios. Absent an alternative approach, other revenue sources would need to increase or new revenues sources would need to be generated, or services and capital expenditures may need to be reduced.

Expenditures:

In discussing revenues, it is also important to look at the forecast for expenditures over the same time. Currently, the expenditures of the district consist of salaries and benefits, which represent 65% of the administration, operating and maintenance portion of the FY 12 budget. As a percentage of the entire budget (excluding capital and Transit GRT allocations), they comprise 37.5%. Transit GRT allocations for the Rail Runner, Los Alamos County and City of Santa Fe equal 62.6% of the annual budget (not including capital). Capital expenditures, which vary annually, make up 23.6% of the total FY 12 budget. Reserves, although not included as part of the budget, require a set aside of funds which are not available for daily expenses. In FY 12, projected reserves total \$3,050,790, which equal 29.2% of the total budget, and which is well above the 8% requirement of DFA and 4.2% above the Board policy of 25% (3 months of operating costs).

Over the next 10 years, expenditures are estimated to inflate annually at a 3% average rate. It is also estimated that capital costs will vary over the course of this period. The recently acquired Administration/Maintenance facility will have been remodeled and capital costs would be limited to a phase II maintenance facility, scheduled replacement of fleet and various other equipment.





Summary

The District has very limited options in relation to its revenue sources and its expenditures. The District has a commitment to using the NCRTD Transit GRT (Santa Fe County portion) for funding the Rail Runner at~ \$1,774,344, which represents 50% of estimated revenue derived from Santa Fe County. This commitment is fully enumerated in the Agreement that was entered into by the District and the Rio Metro RTD, which is not likely to change. The District has relied upon the \$1.1 million annual contribution from Los Alamos County over the five-year commitment period. This contribution has been committed to the provision of transit services. This contribution has represented as much as 10.6% of the Districts revenue sources. The Los Alamos contribution was a major factor in allowing the District to move forward and provide the regional services that are important to the District Members however, since this was not a long-term guaranteed revenue source; the prospect that these funds may not be available in the future will have a serious impact on the Districts service levels. The NCRTD GRT revenues due to economic conditions have not materialized as initially projected. The combination of these factors will require that the District Board make decisions about the long-term fiscal integrity of the District and its ability to sustain existing services and/or service expansion. Lastly, the District should be very careful in the funding of additional reoccurring services based upon the prospect of future revenue that could result from one-time construction projects at LANL, which are at best 10 years in duration, if they occur.

Long Term Financial Plan (LTFP) Projections Scenarios

Worst Case Scenario

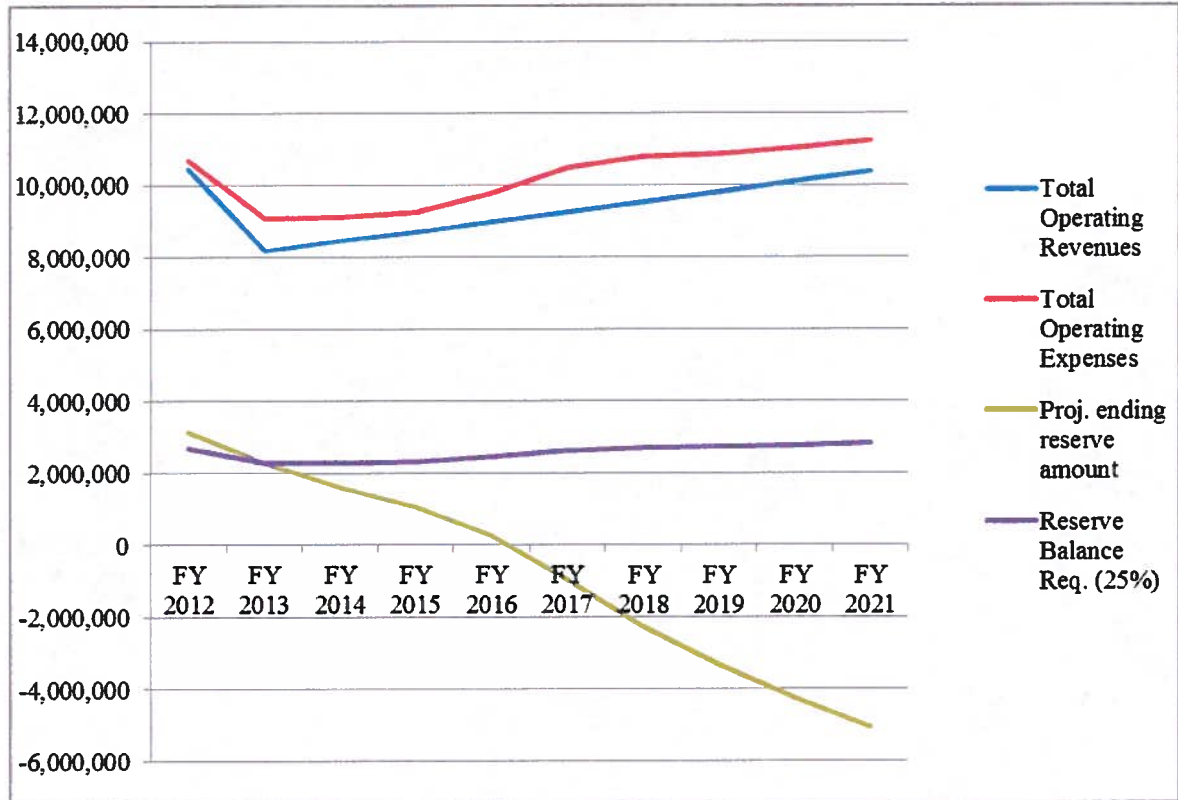
This scenario reflects the possibility that federal funding could be reduced by up to 30% commencing in FY 2013. This scenario also anticipates that the final LA County (LAC) contribution will occur in 2012 and will be less than the prior years since the amount represent the residual amount remaining to be disbursed under the expiring five-year agreement and projects the prospect that no additional funding will be forth coming from LAC. This long-term financial scenario incorporates a 3% increase in NCRTD GRT revenues commencing in FY 2013.

The long-term financial scenario includes a 3% inflationary increase in expenses and again represents a conservative approach to projecting increasing costs. This scenario also anticipates that based upon the current allocation method the NCRTD GRT revenue will be distributed towards regional services that the Board has approved in its adoption of various entity service plans. The Rail Runner contractual obligation and the distributed NCRTD GRT are anticipated to increase by 3% a year, which mirrors the projected revenue increases for the GRT.

Capital expenditures under this scenario do not include the estimated costs to construct the Phase II Maintenance Facility but do include an annual capital expenditure based upon the Districts 10 year capital plan. No federal matching funds were incorporated into this scenario as offset to the expenditure of funds for the capital plan due to the tenuous nature of federal funding. However, the District should work towards obtaining funds from other sources to minimize use of its own funds toward capital expenditures.

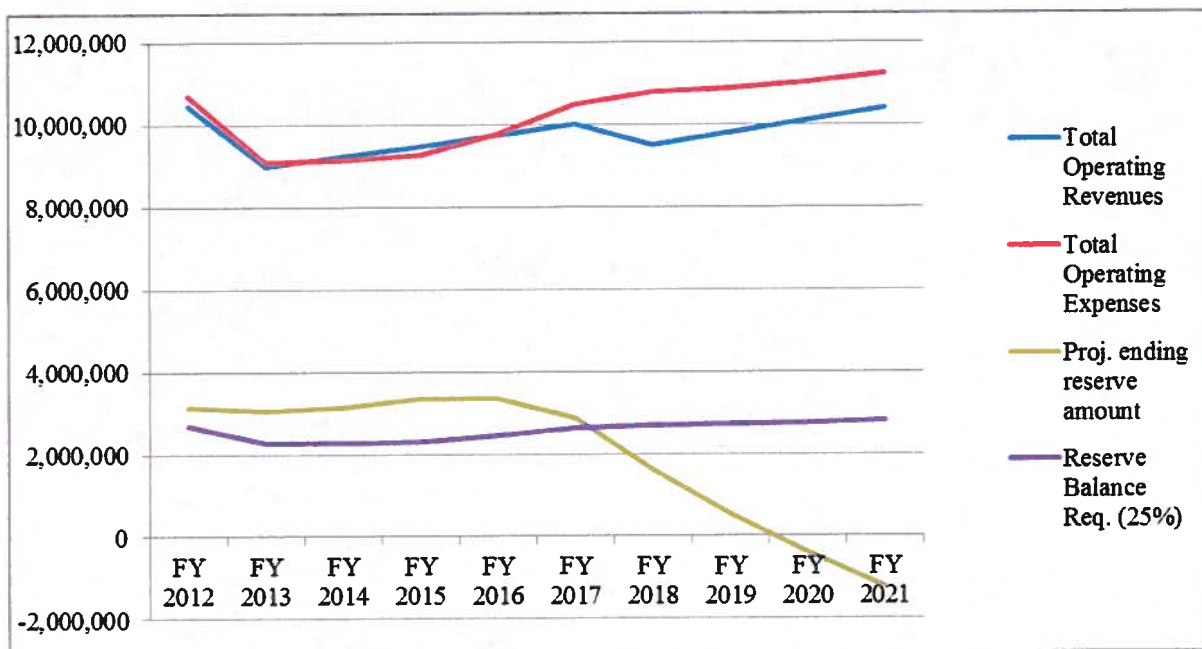
With the proposed reduction in federal funding coupled with no new funding from the Los Alamos County Progress through Partnering program this scenario would result in immediate service reductions as of FY 2014 and possible reductions in the capital and cost allocations to the District members in order to balance the budget. This reduction in spending will continue through 2021 even though a 3% increase to federal funding is projected after 2013 on a yearly basis. Reserve funds will be depleted below the Board policy and DFA required levels.

Worst Case Scenario



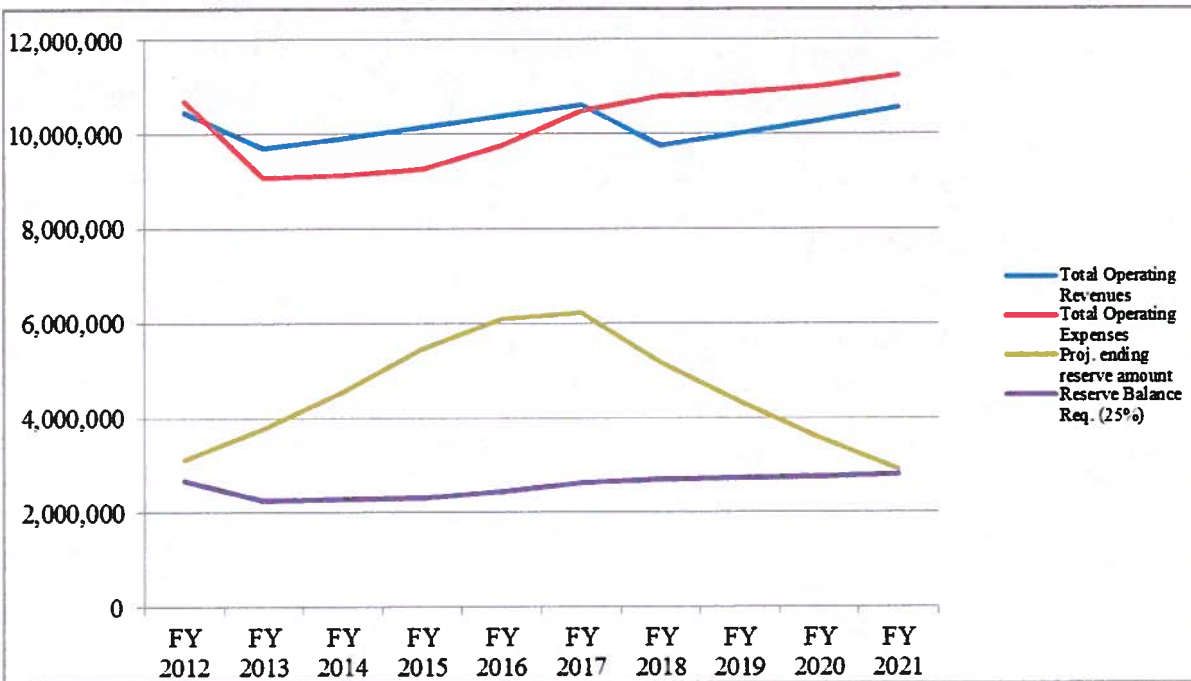
Moderate Worst Case Scenario

This scenario reflects the possibility that federal funding could be decreased by 30% however, it does provide for Los Alamos County Progress through Partnering funding at a rate that is 30% less than its prior year commitments. All other revenue and expenditure projections are the same as the Worst Case Scenario. This scenario indicates that service levels and funding allocations to member entities along with capital purchases could continue as proposed until FY 2018. At that time reductions in capital expenditures will need to cease and member-funding allocations will need to be reviewed along with service levels. Under this scenario, the District will continue to comply with both DFA and Board Reserve policy through FY 2017. No new routes or expansions of existing routes are contemplated in this scenario.



Best Case Scenario

This scenario provides for federal funding at the same rate the District currently receives and which is held flat over the 10-year period. It also includes LAC “Progress through Partnering” funding at the current level of \$1,100,000. All other expenditure and revenue projections are same as those included in the previous two scenarios. Based upon this scenario, the District will be able to retain its current funding level for services and funding allocations for its members, which would grow at a rate of 3% a year. It also provides appropriate funding for the Districts 10 year capital plan but continues to exclude the funding for the Phase II Maintenance Facility. The Reserve Balance does experience considerable growth and will exceed the Board and DFA reserve requirements; however, as the District implements its 10-year capital plan the reserve balance will decrease but remain in compliance with policy. Under this scenario, the possibility exists that if federal funding can be acquired that provides for the 80% match for capital expenditures, that the residual remaining funding could be conservatively considered for allocation to new routes. However, doing so will require a careful analysis to ensure that any new routes that are added will be sustainable in future years.



Long Term Financial Strategy

In light of the financial and expenditure trends and projections for the next ten years, it is imperative that some basic underlying strategies for the District be adopted. The intent of these strategies is so that the District continues to look ahead to plan for the financial issues and challenges it will face over the next 10- years.

In essence, the strategy is based upon the following considerations when the Districts long term financial forecast is positive.

- ❖ Assess the situation
- ❖ Maintain adequate reserves within Board and DFA policies and continue to build upon them especially if the revenue is being generated from one time sources
- ❖ Seek to fund an equipment replacement reserve
- ❖ Use one-time revenues for one-time expenses
- ❖ Use recurring revenues for recurring costs or for one-time expenses that don't have ongoing maintenance and operational costs
- ❖ Stay faithful to the District's long term goals
- ❖ Think carefully when considering revenue reductions (especially when the economy is performing well, since it is always tempting to reduce revenues during good times – always remember that the economy is cyclical)
- ❖ Take a long term perspective

Annually when the District reviews the Long Term Financial Plan and whether it is positive or negative, the following should be considered:

- ❖ Review operating cost recovery mechanisms (fares) and ascertain whether the District should remain Fare Free or should fares be implemented or increased in the future
- ❖ Review cost sharing opportunities
- ❖ Use reserves sparingly and never go below the DFA required minimum but try to stay true to the Districts requirement of 25%
- ❖ Evaluate reducing or eliminating high-cost low-ridership services but balance this against the public service benefit of the route
- ❖ Think carefully about considering a tax increase
- ❖ Strategically manage the District so that its customers find value, including non-riders who make up the bulk of the districts voting constituency
- ❖ If necessary, service reductions or changes must be sustainable and not “one time”
- ❖ Resources will be dedicated to the maintenance of current District facilities and equipment (assets) before adding new assets

Lastly, the District needs to make a commitment to continuous process review and improvement. System and process improvements should be continually advocated and championed by management. Furthermore, District staff should customarily view this activity as an employee

responsibility. However, there is a point where increased expectations and process improvements cannot be further absorbed without reducing service levels, therefore, an outcome oriented comprehensive performance process should be considered for further review and development by management. As Management embarks on such an effort the District Board should consider endorsing, funding and providing the resources to achieve the following tenants:

- ❖ Develop a report mechanism for the Board that documents efficiencies;
- ❖ Develop management tools to measure, assess, and improve performance based upon established industry standards and Board expectations;
- ❖ Strive towards a “performance based budget” so that informed allocation decisions drive the budget process.

To achieve the aforementioned tenants, management and staff should be asking themselves the following questions:

1. How do we perform now?
 - a. Current results
 - b. How do we compare to others that are similar to the District?
 - c. What’s the level of service and resources?
2. What areas should be targeted for improvement.
 - a. What services or programs need to change?
 - b. Make system improvements?
 - c. Implement change?
3. Report Results
 - a. Were results achieved?
 - b. What improvements were made?
 - c. What capacity was added?

The measurement of key results is just the beginning and the District should continually be asking it self:

- ❖ What results is it striving to achieve for its customers and remember that customers are not just riders but all tax payers in the District?
- ❖ What is the specific data telling us?
- ❖ What must the District do now to make the results even better or to correct the problem?

The performance data should be collected and analyzed so as to provide the District Board with information about how well the District is providing services and achieving its goals. The data should also be used by managers and staff to identify problems in existing programs, to try to identify root causes or problems, and/or to develop corrective actions. Overall evaluation of the performance data is designed to tell the Board and management about the effectiveness and efficiency of the Districts programs and services which leads to improving performance and performance refinement.

Operating centers in the Districts organizational structure should regularly compare performance against established goals and performance targets and use the information from this evaluation to determine the need for improvement and/or the need for program changes. They also should use performance information to plan and budget, develop strategies, and make recommended resource allocation decisions to ensure that community transit needs are met today and in the future.

Long Term Financial Strategy

Make Trade-Offs

Do not initiate new services/routes without either (a) ensuring that revenue to pay for the services can be sustained over time, or (b) making trade-offs of existing services/routes.

Do it Well

If the District cannot deliver a service "well", then the service should not be provided at all.

Focus on District Customers

Give priority to maintaining existing services.

One Time Revenues

Use unexpected one-time revenues or revenues above projections strategically to fund prioritized capital needs and not for ongoing services or operations.

Invest in Employees

Invest in employees and provide them with resources and comparable pay which will maximize their productivity.

Pursue Innovation

Innovative approaches to service delivery should be pursued and continue to implement operational efficiencies and cost saving measures in achieving District Values. Partnership and cost sharing or service provision strategies with others should be pursued.

Cost Recovery and Consolidation

Continue to evaluate the implementation of fares or the need for future fare rate increases once implemented.

Evaluate the consolidation of existing transit service providers in the District and do so on a regular basis to ascertain when it will make sense.

New Revenue Sources

Bus and Shelter Advertising

RTD currently manages all of the sales of advertising space on the fleet and on RTD facilities. RTD anticipates that the Marketing staff could double advertising revenues by FY13. RTD will use most of these revenues to offset the costs associated with advertising RTD services, and conducting outreach to the community. RTD staff will also pursue in-kind partnerships for advertising with applicable partners.

Federal Sources and Definitions

FTA Section 5307

The FTA defines the Section 5307 program as the following:

This program (49 U.S.C. 5307) makes Federal resources available to urbanized areas and to Governors for transit capital and operating assistance in urbanized areas and for transportation related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.

Eligible purposes include planning, engineering design and evaluation of transit projects and other technical transportation-related studies; capital investments in bus and bus-related activities such as replacement of buses, overhaul of buses, rebuilding of buses, crime prevention and security equipment and construction of maintenance and passenger facilities; and capital investments in new and existing fixed guide way systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance and some Americans with Disabilities Act complementary paratransit service costs are considered capital costs. For urbanized areas with 200,000 populations and over, funds are apportioned and flow directly to a designated recipient selected locally to apply for and receive Federal funds. For urbanized areas under 200,000 in population, the funds are apportioned to the Governor of each state for distribution. A few areas under 200,000 in population have been designated as transportation management areas and receive apportionments directly.

For urbanized areas with populations of 200,000 or more, operating assistance is not an eligible expense. In these areas, at least one percent of the funding apportioned to each area must be used for transit enhancement activities such as historic preservation, landscaping, public art, pedestrian access, bicycle access, and enhanced access for persons with disabilities.

The FTA distributes Section 5307 funds annually based on a formula using population, density and operating statistics. NCRTD does not receive any of these Section 5307 funding. The City of Santa Fe does receive 5307 funds. Under this program transit, related capital projects are eligible and may include multi-jurisdictional cooperation, should the City of Santa Fe want to

use the funds in this fashion. The availability of funds for capital use is subject to local prioritization and project selection at the regional level.

FTA Section 5308

The FTA defines the Section 5308 program as the following:

Section 3010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59, 119 Stat. 1144, 1572 (2005), amended section 5308 of title 49 United States Code, commonly referred to as the Clean Fuels Grant Program, from a formula-based to a discretionary grant program. The program has a two-fold purpose. First, the program was developed to assist nonattainment and maintenance areas in achieving or maintaining the National Ambient Air Quality Standards for ozone and carbon monoxide (CO). Second, the program supports emerging clean fuel and advanced propulsion technologies for transit buses and markets for those technologies.

The FTA distributes Section 5308 funds annually based on a competitive grant application. NCRTD is not eligible for this program since it is not in a nonattainment area. However, should consider the possibility of pursuing Section 5308 funding for capital fleet replacement, under the second portion of the program.

FTA Section 5309

Section 5309 is discretionary capital funding that provides capital assistance for transit projects. The FTA distributes Section 5309 funds annually based on a competitive grant application. NCRTD has annually pursued Section 5309 funding for capital fleet replacement. Projects selected are eligible for 80 percent federal participation with a 20 percent local match.

The FTA defines the Section 5309 program as the following:

The transit capital investment program (49 U.S.C. 5309) provides capital assistance for three primary activities:

- New and replacement buses and facilities.
- Modernization of existing rail systems.
- New fixed guide way systems (New Starts).

Eligible recipients for capital investment funds are public bodies and agencies (transit authorities and other state and local public bodies and agencies thereof) including states, municipalities, other political subdivisions of states; public agencies and instrumentalities of one or more states; and certain public corporations, boards, and commissions established under state law. Funds are allocated on a discretionary basis.

The Bus and Bus Facilities program provides capital assistance for new and replacement buses and related equipment and facilities. Eligible capital projects include the purchasing of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park-and-ride stations, acquisition of replacement vehicles, bus rebuilds, bus preventive maintenance, passenger amenities such as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles, fare boxes, computers and shop and garage equipment.

Private companies engaged in public transportation and private non-profit organizations are eligible sub recipients of FTA grants. Private operators may now receive FTA funds as a pass through without competition if they are included in a program of projects submitted by the designated public authority acting as the direct recipient of a grant.

A subsection of the Section 5309 funding is dedicated to the Small Starts, and Very Small Starts discretionary fund. This resource is applied for through the grant application process. Federal funding is awarded for capital projects that provide minimal service expansion for large scale transit operations.

FTA Section 5310

The FTA defines the Section 5310 program as the following:

This program (49 U.S.C. 5310) provides formula funding to States for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each State's share of population for these groups of people.

Funds are obligated based on the annual program of projects included in a statewide grant application. The State agency ensures that local applicants and project activities are eligible and in compliance with Federal requirements, that private not-for-profit transportation providers have an opportunity to participate as feasible, and that the program provides for as much coordination of Federally assisted transportation services, assisted by other Federal sources. Once FTA approves the application, funds are available for state administration of its program and for allocation to individual sub-recipients within the state. NCRTD uses Section 5310 funding to provide transit services that meet the needs of seniors and disabled people. The FTA distributes Section 5310 funds annually based on a competitive grant application. RTD anticipates pursuing Section 5310 funding for capital fleet replacement for Dial-a-Ride buses.

FTA Section 5311

The FTA defines the Section 5311 program as the following:

This program (49 U.S.C. 5311) provides formula funding to states for the purpose of supporting public transportation in areas of less than 50,000 populations. Eighty percent of the statutory formula is based on the non-urbanized population of the States. Twenty percent of the formula is based on land area. No State may receive more than 5 percent of the amount apportioned for land area. In addition, FTA adds amounts apportioned based on non-urbanized population according to the growing States formula factors of 49 U.S.C. 5340 to the amounts apportioned to the States under the Section 5311 program.

Funds may be used for capital, operating, and administrative assistance to state agencies, local public bodies, Indian tribes, and nonprofit organizations, and operators of public transportation services. The state must use 15 percent of its annual apportionment to support intercity bus service, unless the Governor certifies, after consultation with affected intercity bus providers that these needs of the state are adequately met. Projects to meet the requirements of the Americans with Disabilities Act, the Clean Air Act, or bicycle access projects, may be funded at 90 percent Federal match. The maximum FTA share for operating assistance is 50 percent of the net operating costs. Section 5311 grants provide funding to provide public transportation to rural areas. NCRTD receives Section 5311. Section 5311 funding is apportioned by the State based on population of the rural area of the County.

FTA Section 5311 (f)

Section 5311(f) grant funds are a subset of Section 5311 which are set aside for assistance in starting Intercity services between rural areas and urban centers. The FTA distributes Section 5311 funds annually to the State, which administers a competitive grant process for available funds. NCRTD should consider pursuing Section 5311(f) funding for capital fleet replacement for buses.

FTA Section 5316

The FTA defines the Section 5316 Job Access and Reverse Commute program (JARC) as the following:

The goal of the Job Access and Reverse Commute program (JARC) is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities. Toward this goal, the Federal Transit Administration provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income. The program requires coordination of Federally-assisted programs and services in order to make the most efficient use of Federal resources.

The FTA distributes Section 5316 funds annually based on a competitive grant application. NC RTD anticipates pursuing Section 5316 funding for operating assistance and education assistance programs.

FTA Section 5317

The FTA defines the Section 5317 New Freedom program as the following:

The New Freedom formula grant program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The 2000 Census showed that only 60 percent of people between the ages of 16 and 64 with disabilities are employed. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.

The FTA distributes Section 5317 funds annually based on a competitive grant application. NCRTD should evaluate whether it should pursue Section 5317 funding for operating assistance and education assistance programs.



Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: January 6, 2012

Agenda Item # C

Title: Resolution 2012- 01: Adopting the NCRTD's Disadvantaged Business Enterprise Policy.

Prepared By: Linda J. Trujillo, Service Development and Projects Manager

Summary: The attached resolution provides for the adoption of the FTA mandated Disadvantaged Business Enterprise Policy which ensures nondiscrimination in the award and administration of DOT-assisted contracts.

Background: The NCRTD is mandated by FTA in 49 CFR Part 26 to adopt a policy for recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year. The NCRTD has received direct FTA funding under the ARRA grant.

Recommended Action: It is recommended that Board move for approval of Resolution No. 2012 - 01 and the adoption of the Disadvantaged Business Enterprise Policy.

Options/Alternatives: N/A

Fiscal Impact: None

Attachments: Resolution 2012 - 01



North Central Regional Transit District

Disadvantaged Business Enterprise Policy

January 2012

NORTH CENTRAL REGIONAL TRANSIT DISTRICT DBE PROGRAM
POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statements

The North Central Regional Transit District has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The North Central Regional Transit District has received Federal financial assistance through the Federal Transit Administration (FTA). As a condition of receiving this assistance, the North Central Regional Transit District has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the North Central Regional Transit District to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in DOT—assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT — assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Transit Service Development Manager of North Central Regional Transit District has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Transit Service Development Manager will be responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the North Central Regional Transit District in its financial assistance agreements with the U. S. Department of Transportation.

The North Central Regional Transit District has disseminated this policy statement to the NCRTD Board of Directors and all of the components of the organization. Additionally, the North Central Regional Transit District has publicized its program objectives to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through locally published newspaper advertisements, North Central Regional Transit District web site, and in any Invitation for Bids (IFB), Requests for Bids (RFB), or Requests for Proposals (RFP issued by the NCRTD).

Anthony Mortillaro, Executive Director
North Central Regional Transit District

Date

SUBPART A — GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program. The entire content of 49 CFR Part 26 including complete guidance on the DBE program may be obtained from the DBE Liaison officer noted in Section 26.25 of this policy, or from the North Central Regional Transit District website at: www.ncrtd.org. The numbered sections of the North Central Regional Transit District DBE policy correspond to section numbers in 49 CFR Part 26, which mandate the required policy elements for recipients of DOT funds

Section 26.3 Applicability

The North Central Regional Transit District has been and is the recipient of public transportation funds authorized in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240, 105 Statute 1914; the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178, 112 Statute 107; and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU), Public Law 109-59, 119 Statute 1144.

Section 26.5 Definitions

The North Central Regional Transit District will adopt the definitions contained in 49 CFR Part 26 for this program. Acronyms used in this policy are defined in Attachment 1.

Section 26.7 Non-Discrimination Requirements

The North Central Regional Transit District will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the North Central Regional Transit District will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

The North Central Regional Transit District will report DBE participation to DOT as follows:

- For Federal Transit Administration (FTA) projects, we will report DBE participation on a semi-annual basis using the Uniform Semi-Annual Report of DBE Awards or Commitments and Achievements. These reports will reflect payments actually made to DBEs on FTA assisted contracts.

Bidders List: 26.11(c)

The North Central Regional Transit District will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach to calculating overall goals. The bidder list will include the name, address, DBE/non-DBE status, age of firm, and annual gross receipts of firms.

The North Central Regional Transit District will collect this information in the following ways:

We will use various methods to maintain its bidders list and calculate its overall goal. We use the current list provided online by NMDOT at www.nmshtd.state.nm.us/main.asp?secid=11175. To derive the total number of businesses in the NCRTD service area, we will use the U.S. Census Bureau's most recent year's Economic Census Summary Statistics for New Mexico (www.census.gov/econ/census02). When it is appropriate, estimates from the Census Bureau's American Community Survey (ACS) program will be used for more up-to-date information (see <http://www.census.gov/acs/www/>). The relative availability of DBE's within the NCRTD service area is expressed as a percentage of DBEs registered with NMDOT. This percentage is used to determine the NCRTD overall DBE goal. The NCRTD will, to the best of its ability, evaluate the capacity of a business to perform the work on each project when estimating DBE goals.

The North Central Regional Transit District will require prospective bidders on DBE-program eligible projects to submit forms as shown in Attachments 2-A through 2-F to document good faith efforts to obtain DBE business as part of their proposal. These forms include information such as a list all of subcontractors including addresses, phone numbers if they are DBE or Non-DBE, the age of the firm, and annual gross receipts information. Failure to provide the information could disqualify a bid proposal.

Section 26.13 Federal Financial Assistance Agreement

The North Central Regional Transit District has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The North Central Regional Transit District shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. As a recipient, the NCRTD shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The NCRTD DBE Program, as required by 49 CFR Part 26 and as approved by the DOT agency, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the North Central Regional Transit District of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients. Contract

Assurance: 26.13b

The North Central Regional Transit District will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B — ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The North Central Regional Transit District will continue to carry out this program until all funds from DOT financial assistance have been expended. The North Central Regional Transit District will provide updates to the applicable DOT agencies when there are significant changes to the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program. **Section**

26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as the NCRTD DBE Liaison Officer:

Transit System Development
Manager

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the North Central Regional Transit District complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the NCRTD Executive Director concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 3 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO is supported by the North Central Regional Transit District Purchasing staff. The Purchasing Department currently has no personnel dedicated solely to the DBE program. The duties and responsibilities of the DBELO include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Analyzes North Central Regional Transit District's progress toward attainment and identifies ways to improve progress.
5. Advises the NCRTD Executive Director, NCRTD Board of Directors, and the NCRTD program administrator responsible for the DOT-funded project on DBE matters and achievement.
6. Determines contractor compliance with good faith efforts.
7. Participates in pre-bid meetings involving DOT-funded projects applicable to this program.
8. Provides outreach to DBEs and community organizations to advise them of opportunities.

In support of the DBELO, the North Central Regional Transit District Purchasing Department staff is responsible for the following:

1. Works with all departments to set overall annual goals.
2. Updates the DBE policy references as necessary.
3. Maintains the DBE policy and support material on the NCRTD's webpage.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.)
5. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
6. Includes DBE necessary clauses in the IFB, RFB, RFP, and contracts in applicable DOT-funded projects.
7. Plans and participates in DBE training seminars.
8. Provides information on the Uniform Certification Process in New Mexico.

Section 26.27 DBE Financial Institutions

It is the policy of the North Central Regional Transit District to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions and to encourage prime contractors on DOT- assisted contracts to make use of the institutions.

The North Central Regional Transit District uses the Federal Reserve Board's listing of quarterly data on banks that participate in the Department of Treasury's Minority Bank Deposit Program to fulfill this requirement (<http://www.fms.treas.gov/mbdp/index.html>). Information on the availability of such institutions can also be obtained from the DBE Liaison Officer or the North Central Regional Transit District website:

www.ncrtd.org

Section 26.29 Prompt Payment Mechanisms

The North Central Regional Transit District will include the following clause in each DOT-assisted prime contract:

The prime contractors or design consultants and other consultants shall pay all subcontractors or sub-consultants their respective subcontract amount for undisputed acceptable work within ten (10) calendar days from the receipt of each payment the prime contract or consultant receives from the North Central Regional Transit District. The prime contractor or consultant agrees further to return retainage payment, if applicable, to each subcontractor within thirty (30) calendar days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the North Central Regional Transit District. This clause applies to both DBE and non-DBE subcontracts.

Section 26.31 Directory

A directory will be maintained listing all firms who have identified themselves as eligible to participate as DBEs. In accordance with the New Mexico Unified Certification Program Letter of Agreement with the New Mexico Department of Transportation (NMDOT), approved by a NCRTD Council Resolution, the NMDOT certifies and maintains the DBE directory for the State of New Mexico. The directory lists the firm's name, address, phone number, e-mail address, fax number, and type of work performed. The directory is revised on a continuous basis and is maintained by the NMDOT.

The North Central Regional Transit District will utilize the directory of certified firms capable of bidding on the NCRTD USDOT funded projects. This action will enable the NCRTD to take advantage of a larger pool of available certified DBE's in various specialties from throughout the state in meeting and/or exceeding the established annual DBE goal. Newly certified DBE's will be added to the consolidated directory, and those no longer qualified, as determined by NMDOT will be deleted. In any event, the directory will be revised at least annually by NMDOT.

The most current directory will be available through the NMDOT website:

<http://www.nmshtd.state.nm.us/main.asp?secid=11175>. OR obtained from the

North Central Regional Transit District
3600 Rodeo Road – B-6
Santa Fe, NM 87507
505-438-3257
Website: www.ncrtd.org

Section 26.33 Over-concentration

The North Central Regional Transit District has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The North Central Regional Transit District has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The North Central Regional Transit District will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. The North Central Regional Transit District will bring to the attention of the relevant Department of Transportation agency (either FAA, FHWA, or FTA) any

false, fraudulent, or dishonest conduct in connection with the program, so that the DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. The North Central Regional Transit District will consider similar action under our own legal authority, including responsibility determinations in future contracts. Attachment 4 lists the regulation, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
3. The North Central Regional Transit District will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished as follows:

If the prime contractor is found to be in violation or fails to abide by the prompt payment mechanisms, the North Central Regional Transit District shall notify the non-compliant party in writing. A compliance conference to discuss the area(s) of non-compliance will be held. In the event that the noncompliant party fails or refuses to perform in compliance with this program, a "Notice of Non-Compliance" will be transmitted. If the noncompliant party corrects the deficiencies, the "Notice of Non-Compliance" will be rescinded, and the party will be notified as to compliance. If the deficiencies are not corrected, the NCRTD will initiate administrative action against the non-compliant party, which may include but not be limited to:

- Termination of Contract
 - Initiation of appropriate suspension, debarment or de-certification proceedings pursuant to 49 CFR Part 26.
 - Referral of any unlawful actions to the appropriate enforcement agencies pursuant to 49 CFR Part 26.
 - Prosecution pursuant to 18 USC 1001.
 - Other action as appropriate, at the discretion of the NCRTD.
4. The North Central Regional Transit District will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. The contractor will complete a monthly monitoring form.

SUBPART C — GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The North Central Regional Transit District does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The NCRTD will annually establish overall goals for each of the three USDOT funding agencies (FHWA, FAA, and FTA) if it anticipates that it will award cumulative prime contracts exceeding \$250,000 in DOT funds under each program. We will annually establish overall goals in accordance with the two step process as

specified in 49 CFR Part 26.45. The first step is to determine the relative availability of DBE's in the North Central Regional Transit District market area. The second step is to review relevant evidence and historical data available and determine if adjustments to the base figure are needed. The FTA goal methodology for this fiscal year can be found in Attachment 5. Currently FHWA goals are established by the NMDOT.

The North Central Regional Transit District will submit its overall goals to DOT on August 1 of each year or as determined by the operating administration. Before establishing the overall goal each year, North Central Regional Transit District staff will consult various groups including but not limited to minority, women's and general contractor groups, community organizations and other official organizations which could be expected to have information concerning the ability of disadvantaged and non-disadvantaged businesses for the DOT-assisted projects. The purpose of this consultation is to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the capacity of businesses to do the proposed work, the effects of discrimination on opportunities for DBE's, and the North Central Regional Transit District' efforts to establish a level playing field for the participation of DBE's.

Following this consultation, the North Central Regional Transit District will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the North Central Regional Transit District offices for 30 days following the date of the notice, and informing the public that the North Central Regional Transit District and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be published in general circulation media and available minority-focused media and trade association publications. Comments may be sent to the DBELO at the contact information noted in 26.25 above.

The North Central Regional Transit District will begin using our overall goal for each of the USDOT funding agencies on October 1 of each year, unless we have received other instructions from DOT.

Section 26.49 Transit Vehicle Manufacturers (TVM) Goals

The North Central Regional Transit District will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the North Central Regional Transit District may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The North Central Regional Transit District will meet the maximum feasible portion of its overall goal by using race-neutral means facilitating DBE participation. The North Central Regional Transit District uses the following race-neutral means to increase DBE participation:

- Provides information on North Central Regional Transit District functions and its full range of contractual needs.
- Offers instructions and clarification on bid specifications, procurement policy, procedures, and general bidding requirements.
- Maintains a file of successful bid documents from past procurements and permits DBE contractors to review and evaluate such documents.
- On each awarded contract, upon request, explains why certain bids were unsuccessful.
- Provides announcements of upcoming bidding opportunities to DBE contractors.
- Provides information on project scope of work and any job performance requirements.
- Provides information and assistance on continued certification procedures, subcontracting practices, and bonding requirements, and available information on obtaining bonding, financing, or technical assistance.
- Ensures distribution of the DBE directories, through print and electronic means, to the widest feasible audience of potential prime contractors.

The North Central Regional Transit District will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award;
- DBE participation on a prime contract exceeding a contract goal.

Section 26.51(d-g) Contract Goals

The North Central Regional Transit District will use contract goals to meet any portion of the overall goal the NCRTD does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

The North Central Regional Transit District will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of

DBEs to perform the particular type of work.)

The NCRTD will express our contract goals as a percentage of the federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26 (see links to websites noted in section 26.1).

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

The North Central Regional Transit District will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

The North Central Regional Transit District treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment, and;
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within five (5) working days of being informed by the North Central Regional Transit District' DBELO that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Executive Director, 3600 Rodeo Road Site B-6, Santa Fe, NM 87507, phone: 505-438-3257 fax: 505-438-0351, e-mail: anthonym@ncrtd.org The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or

made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The North Central Regional Transit District will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

The North Central Regional Transit District will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the North Central Regional Transit District will require the prime contractor to obtain the North Central Regional Transit District prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the North Central Regional Transit District contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue termination for default proceedings.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the North Central Regional Transit District to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. **A DBE race/neutral contract goal of 20% percent has been established for FTA funded projects. Because this is the first year of the North Central Regional Transit District**

DBE plan, we will not establish race-conscious goals until we have more history as to the success of meeting goals through race neutral means. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

The North Central Regional Transit District will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The North Central Regional Transit District will not count participation of a DBE subcontract towards a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

SUBPART D — CERTIFICATION STANDARDS

Section 26.61 — 26.73 Certification Process

The certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

The North Central Regional Transit District is a member of the New Mexico Unified Certification Program (NMUCP). The NMDOT Office of Equal Opportunity Programs is the lead for this program and determines the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE in the NMUCP, a firm must meet all certification standards set forth by 49 CFR Parts 26.61 -26.73. The NMUCP will make certification decisions based on the facts.

Any bidder certified by the NMDOT under these documents is presumed by the North Central Regional Transit District to be qualified for this program.

The NMUCP will make certification decisions based on the facts. A DBE's certification will not be removed without prior notification from the State of New Mexico. Any decision-making or appealing of the DBE status will be referred to the NMDOT.

For information about the certification process or to apply for certification, firms should contact:

Office of Equal Opportunity Programs Disadvantaged
Business Enterprise Program New Mexico Department
of Transportation Aspen Plaza
1596 Pacheco, Suite 107
Santa Fe, NM 87505
Phone: (505) 827-1774 or (800) 544-0936.
Website: <http://vwww.nmshtd.state.nm.us/main.asp?secid=11175>

The NMUCP certification application form and annual personal net worth declaration form, and documentation requirements may also be downloaded as a courtesy from the North Central Regional Transit District website at www.ncrtd.org

SUBPART E — CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

As noted in Section 26.61 — 26.73 above, the North Central Regional Transit District is a member of the New Mexico Unified Certification Program (NMUCP) administered by New Mexico Department of Transportation (NMDOT) Office of Equal Opportunity Programs. The NMUCP will follow all certification procedures and standards of this part, and the NMUCP shall cooperate fully with oversight, review and monitoring activities of USDOT and its operating administrations; and the NMUCP shall implement USDOT directives and guidance concerning certification matters. The agreement shall commit the North Central Regional Transit District and other recipients to ensure that the NMUCP has sufficient resources and expertise to carry out the requirements of this part. The North Central Regional Transit District will assist any bidder in the qualification process as a DBE. Additionally, we will inform bidders of any seminars given by universities, business organizations, and labor organizations that deal with DBE compliance, qualifications, and rules.

A complete description of the NMUCP can be obtained from NMDOT (see contact information in Section 26.61 -26.73 above) or by contacting the North Central Regional Transit District Purchasing Department (see contact information in 26.31 above).

Section 26.83 Procedures for Certification Decisions

Recertifications 26.83(a) & (c)

Re-certifications are the responsibility of the NMDOT through the NMUCP. The eligibility of DBEs certified under former part 23 may be reviewed to insure compliance with the standards of Subpart E of Part 26. The NMUCP staff will complete this review at least every three years to ensure there have not been any changes in the bidder's DBE status. The NMUCP schedule for this review process will be that one-third of the firms will be reviewed each year.

"No Change" Affidavits and Notices of Change (26.83(j))

Each DBE is required to inform the NMUCP and the North Central Regional Transit District through a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with its application for certification.

The NMUCP also requires all owners of all DBEs that have been certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the NMDOT under 26.83(1). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$22.41 million.

The NMUCP requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts. If the DBE fails to provide this affidavit in a timely manner, it will be deemed to have failed to cooperate under 49 CFR Part 26.109(c). The NMUCP will mail the firm, prior to its anniversary date, the annual affidavit. The firm will have 15 days to complete the affidavit, attach supporting documentation as to small business size, and return the affidavit and document to the NMUCP.

The NMUCP will require all applicants and currently certified DBE's, to submit a statement of personal net worth annually. These certification forms may be found on the NMDOT website at: <http://www.nmshtd.state.nm.us/main.asp?secid=11175>. This document may also be downloaded as a courtesy from the North Central Regional Transit District www.ncrtd.org

Section 26.85 Denials of Initial Requests for Certification

When the NMUCP denies a request by a firm, which is not currently certified with the NMUCP to be certified as a DBE, or denies a DBE firm whose certification has expired at the end of three years, the NMUCP will provide the firm a written explanation for denial, specifically reinforcing the evidence in the record that supports each reason for denial. All documents and other information on which denial is based will be made available to the applicant, on written request. When a firm is denied certification, it may not reapply to the NMUCP for certification for a time period of 12 months from the date the firm received the denial letter. The firm may appeal the NMUCP's denial of certification the USDOT under 49 CFR

Part 26.89.

Section 26.87 Removal of a DBE's Eligibility

In the event the NMUCP proposes to remove a DBE's certification, the North Central Regional Transit District will follow procedures consistent with 26.87. Federal regulations in 49 CFR Part 26 (see 26.1 for a web link to this) sets forth these procedures in detail. To ensure separation of functions in a de-certification, the NMUCP ensures that the decision in a proceeding to remove the firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove a firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions. The NMUCP's method of implementing this requirement is having the Secretary of the NMDOT designate a "Hearing Officer". This hearing officer will not already be assigned to the NMUCP or the Office of Equal Opportunity. The Hearing Officer shall be an individual who is knowledgeable about the certification requirements of the NMUCP.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the NMUCP's decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights
External Civil Rights Programs Division (S-33)
1200 New Jersey Ave, SE
Washington, DC 20590
Phone: (202) 366-4754 TTY:
(202) 366-9696
Fax: (202) 366-5575

Information on how the appeals process works, how to file an appeal, or what information to provide for an appeals process can be found on the USDOT website at:
<http://www.dotcr.ost.dot.gov/asp/dbe.asp>.

The North Central Regional Transit District will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that NMUCP denial of its application was erroneous).

SUBPART F — COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

The North Central Regional Transit District will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, the North Central Regional Transit District will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

The North Central Regional Transit District will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the North Central Regional Transit District or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The North Central Regional Transit District will keep a running tally of actual payments to DBE's for work committed to them at the time of contract award.

The North Central Regional Transit District will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Acronyms used in this policy
Attachment 2	North Central Regional Transit District required DBE forms for Bidders
2-A	<i>Bidder's List</i>
2-8	<i>Demonstration of Good Faith Effort (Forms 1 and 2)</i>
2-C	<i>Bidder's Questionnaire</i>
2-D	<i>Schedule of DBE Participation</i>
2-E	<i>Schedule of DBE Unavailability</i>
2-F	<i>Certification of Lack of DBE Availability</i>
Attachment 3	North Central Regional Transit District Organizational Chart
Attachment 4	North Central Regional Transit District remedies for contractors failure to comply
Attachment 5	Goal calculation methodology for FTA funding for current fiscal year

Attachment 1
Acronyms Used in this Policy

CFR	- Code of Federal Regulation
DBE	- Disadvantaged Business Enterprise
DBELO	- Disadvantaged Business Enterprise (program) Liaison Officer
DOT	- United States Department of Transportation (also USDOT)
FAA	- Federal Aviation Administration
FHWA	- Federal Highway Administration
FTA	- Federal Transit Administration
IFB	- Invitation for Bids
ISTEA	- Intermodal Surface Transportation Efficiency Act of 1991
NMDOT	- New Mexico Department of Transportation
NMUCP	- New Mexico Unified Certification Program
RFB	- Request for Bids
RFP	- Request for Proposals
SAFETEA-LU	- Safe, Accountable, Flexible, Efficient Transportation Equity Act — a Legacy for Users
SBA	- Small Business Administration
TEA-21	- Transportation Equity Act for the 21 st Century
NM	- Transit Vehicle Manufacturer
USDOT	- United States Department of Transportation

ATTACHMENT 2-A

Bidders List

All firms bidding or quoting on subcontracts for this DOT-assisted project are listed below.

Firm Name	Address	Certified Age		GRS*
		DBE (Y or N)	of Firm	

*GRS — Annual Gross receipts Enter 1 for less than \$1 million Enter 2 for more than \$1 million, less than \$5 million
 Enter 3 for more than \$5 million, less than \$10 million
 Enter 4 for more than \$10 million, less than \$15 million
 Enter 5 for more than \$15 million.

Attachment 2-B

Forms 1 & 2 for Demonstration of Good Faith Efforts

(Forms 1 and 2 should be provided as part of the solicitation documents.)

Form 1: Disadvantaged Business Enterprise (DBE) Utilization

The undersigned has satisfied the requirements of the specifications in the following manner (please check the appropriate space):

- ☐ The bidder is committed to a minimum of ____ % DBE utilization on this project.
- ☐ The bidder (if unable to meet the goal of ____% DBE) is committed to a minimum Of ____ % DBE utilization on this project and has submitted documentation showing good faith effort.

Contractor

State Registration No. _____

By _____
(Signature) (Title)

Address _____

Phone No. _____ Zip Code _____

Form 2:

LETTER OF INTENT

Name of Bidder/Offeror's

Firm:

Address:

City, State, Zip:

Name of DBE Firm:

Address:

City, State, Zip:

Telephone:

Description of Work to be
performed by DBE Firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$_____

Affirmation: _____

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated value as stated above.

By: _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representation in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor)

Attachment 2-C

Bidder's Questionnaire

Sponsor's Name:

Project Name:

City, State:

Federal Fiscal Year:

Project No:

In accordance with Section 26.11 Record Keeping Requirements — Bidders List:
26.11(C) this form shall be completed by each firm and all subcontractors quoting on the
project as indicated above.

Name of Bidder	Address	DBE Status (Check Box as applicable)	Age of Firm	Type(s) of work	Annual Gross Receipts (check Box as applicable)
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and above
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and
		☐ DBE ☐ Non DBE			☐ Less than \$500,000 ☐ \$500,000-\$1 million ☐ \$1 million-\$2 million ☐ \$2 million-\$5 million ☐ \$5 million and above

(Duplicate form as necessary)

ATTACHMENT 2-D

Schedule of DBE Unavailability

(Must be submitted at the time of bid)

_____ Bid Number _____

_____ Name of Prime Contractor _____

Name of DBE Contractor	Address	Type of Work (electrical, paving, etc) and contract items or parts thereof to be performed	Project Commencement and Completion date for Work	Agreed Price

The failure to submit this form at the time of bid submission is a ground for rejection of the bid. The making of a material misrepresentation of act is a ground for consideration of disqualification.

NOTE: This document will become a binding, contractual agreement when signed by both the prime contractor and the disadvantaged business contractor.

Signature of Prime Contractor Official

Signature of DBE Firm Official

Date

Signature of DBE Firm Official

Signature of DBE Firm Official

Signature of DBE Firm Official

ATTACHMENT 2-E

Schedule of DBE Unavailability

(Must be submitted at the time of Bid)

Bid Number _____ (Name of Prime Contractor) _____

Name of DBE Contractor	Address	Type of Work (electrical, paving, etc) and contract items or parts thereof to be performed	Reason unavailable

The undersigned certifies that the above DBE(s) was/were contacted, in good faith, and the said DBE(s) was/were unable to submit an acceptable responsive bid. Failure to fill out DBE forms is a ground for rejection of the bid. The making of a material misrepresentation of fact is a ground for consideration for disqualification.

Date: _____
 Signature: _____ Title: _____

ATTACHMENT 2-F

Section 26.53 (b)

Certification of Lack of DBE Availability

(Name)

(Title)

of _____

(Prime or General Bidder)

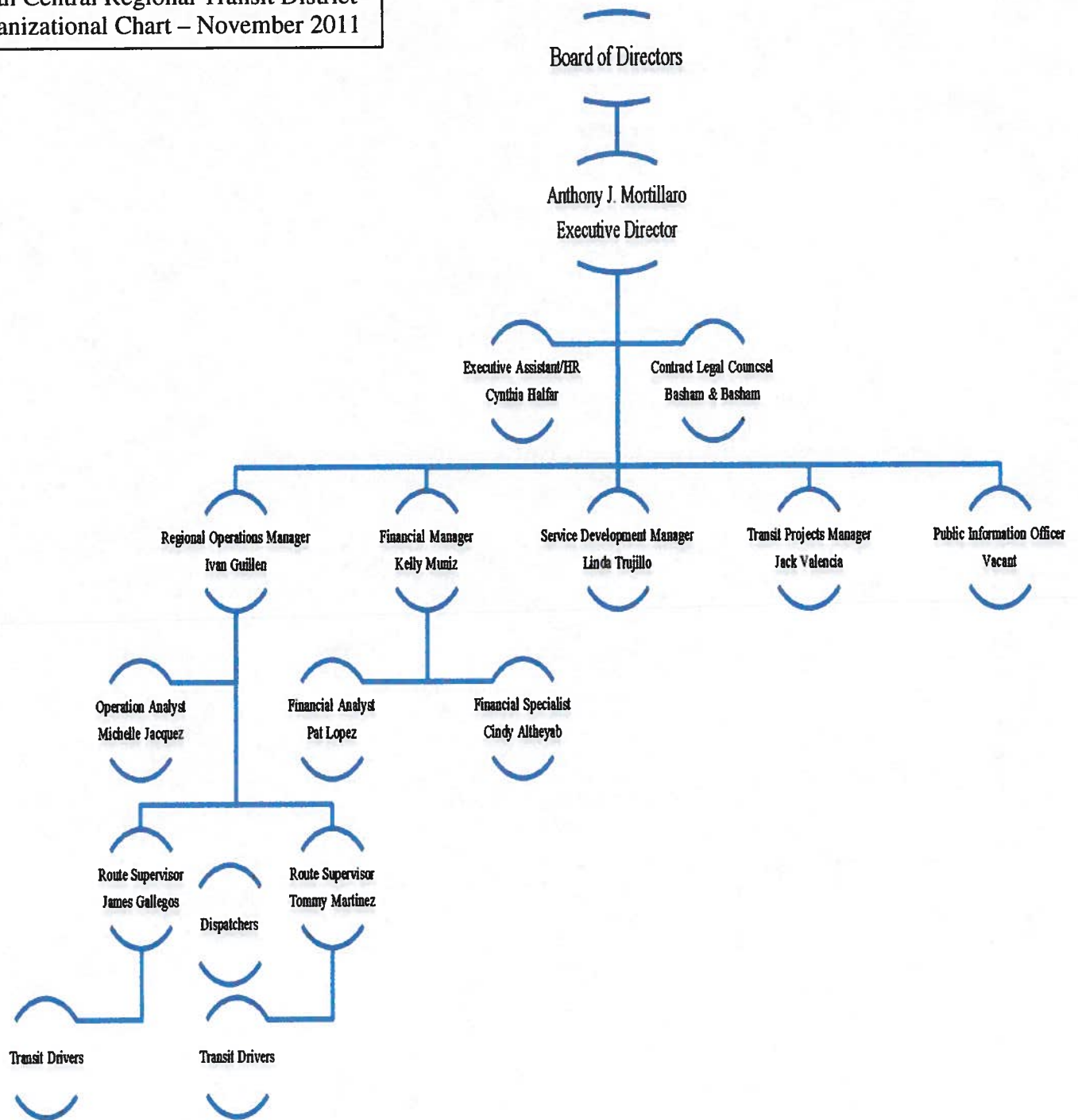
certify that on _____ I contacted the following disadvantaged
(Date)

Contractor to obtain a bid for work to be performed on the following contract

(Name and/or Number of Contract)

DBE Contractor	Work Items Sought
Name:	
Address:	
Phone:	

North Central Regional Transit District
Organizational Chart – November 2011



ATTACHMENT 4

Remedies for Contractors Failure to Comply

Authority to debar

(a) The purchasing manager, after consulting with the NCRTD attorney and the contract administrator, as defined by the using department, is authorized to debar a person for cause from consideration for the award of future NCRTD contracts for a specified period of time. The debarment may apply to a person in his individual as well as corporate capacity. The debarment shall be for a period of not more than three years.

(b) The causes for debarment shall include one or more of the following:

(1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a NCRTD contractor.

(3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

(4) Violation of any NCRTD or non-NCRTD contract provision, as follows, of a character which is regarded by the purchasing manager to be so serious as to justify debarment action:

a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, including failure to pay subcontractors, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.

(5) Any other cause the purchasing manager determines to be so serious and compelling as to affect responsibility as a NCRTD contractor, including debarment by another governmental entity for any cause listed in this chapter.

(6) Violation of the ethical standards set forth in article X of this chapter.

(7) Any violation of the drug-free workplace regulations.

Attachment 5
Goal Calculation Methodology for FTA Funding
FY2012-2013

Methodology used to Calculate Overall DBE Goal for FTA Funding

Agency **North Central Regional Transit District**
Goal Period **FFY 2010**
Overall DBE Goal **5.6%**

Step 1: 26.45(c) Determination of Base Figure

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs (12)}}{\text{All firms ready, willing and able (59)}} = 20\%$$

The data source or demonstrable evidence used to derive the numerator was:

- The NCRTD evaluated the NMDOT DBE System Directory for existing certified DBEs participating in the Unified Certification Program for all NAICS codes for Taos, Santa Fe, Los Alamos, Rio Arriba and Bernalillo Counties. The budget for the transit center is under \$2M. It was assumed that contractors from locations beyond these counties would not bid on this project due to the limited budget.
- Vendor information was collected for all DBE participants in the five county area.

The data source of demonstrable evidence used to derive the denominator was:

- Bureau of Labor Statistics, Quarterly Census of Employment and Wages found at www.eed.state.nm.us/DataCenter/MoreData/Workforce/QuarterlyCensusofEmploymentandWages.
- Included all Construction of Buildings, NAICS 236, for Taos, Santa Fe, Los Alamos, Rio Arriba and Bernalillo Counties. Due to the limited number of certified DBEs in other NAICS commodity codes, establishment data for these entities was not included in order to avoid diluting the goal calculation.

County	Number of Establishments: Construction of Buildings (NAICS 236)
Taos	1
Santa Fe	5
Los Alamos	0
Rio Arriba	1
Bernalillo	52
Total	59

When we divided the numerator by the denominator we arrived at the base figure for our overall goal and that number was 20%

Step 2: 26.45(d) Adjustment to Base Figure

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

The data used to determine the adjustment to the base figure was:

- There is no historical record for the North Central Regional Transit District and therefore there is no data to adjust the base figure. We anticipate that we will be able to achieve our overall DBE goal using race-neutral means.

Based on this data, no adjustment will be made and the overall DBE goal for 201 will be 20%, a further look will be taken at this percentage when the NCRTD has some history of projects.



North Central Regional Transit District (NCRTD)

Resolution 2012- 01

A RESOLUTION ADOPTING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM ENSURING NONDISCRIMINATION IN THE AWARD AND ADMINISTRATION OF DOT ASSISTED CONTRACTS.

WHEREAS, the North Central Regional Transit District (NCRTD) is a recipient receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year;

WHEREAS, the NCRTD is mandated by 49 CFR Part 26 to participate in the Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

NOW, THEREFORE, BE IT RESOLVED that the North Central Regional Transit District Board of Directors hereby adopts the Disadvantaged Business Enterprise policy as shown in Exhibit "A" attached hereto and made part of this resolution.

**PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE
NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 6TH DAY OF
JANUARY 2012.**

Rosemary Romero, Chair

Approved as to form:

Peter Dwyer, Counsel



Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: January 6, 2012

Agenda Item # D

Title: Resolution 2012 - 02 adopting the NCRTD's Title VI Program

Prepared By: Linda J. Trujillo, Service Development and Projects Manager

Summary: The attached resolution provides for the adoption of the FTA mandated Title VI Program which prohibits discrimination on the basis of race, color, or national origin in federally funded programs and activities.

Background: The NCRTD is mandated by FTA C 4702.1A to adopt Title VI regulations (49 CFR part 21). This program will integrate into the Districts programs and activities considerations expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). FTA requires this program in order to receive grant funds directly from the FTA without a pass through agency. The NCRTD has received direct FTA funding under the ARRA grant and §5309 Bus and Bus Facilities grant.

Recommended Action: It is recommended that Board move for approval of Resolution No 2012 - 02 and adoption of the Title VI program.

Options/Alternatives: N/A

Fiscal Impact: None

Attachments:

Resolution 2012- 02



North Central Regional Transit District

**TITLE VI PROGRAM
Federal Fiscal Years 2011-13**

December 2011

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I. Title VI Nondiscrimination Statement of Policy

Title VI Policy Statement

The North Central Regional Transit District (NCRTD) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. NCRTD assures that no person shall on the grounds of religion, race, color, national origin, gender, age, disability, income status or English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any NCRTD program, activity or service.

NCRTD is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, NCRTD assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the NCRTD to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

NCRTD efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

NCRTD programs and services covered by Title VI

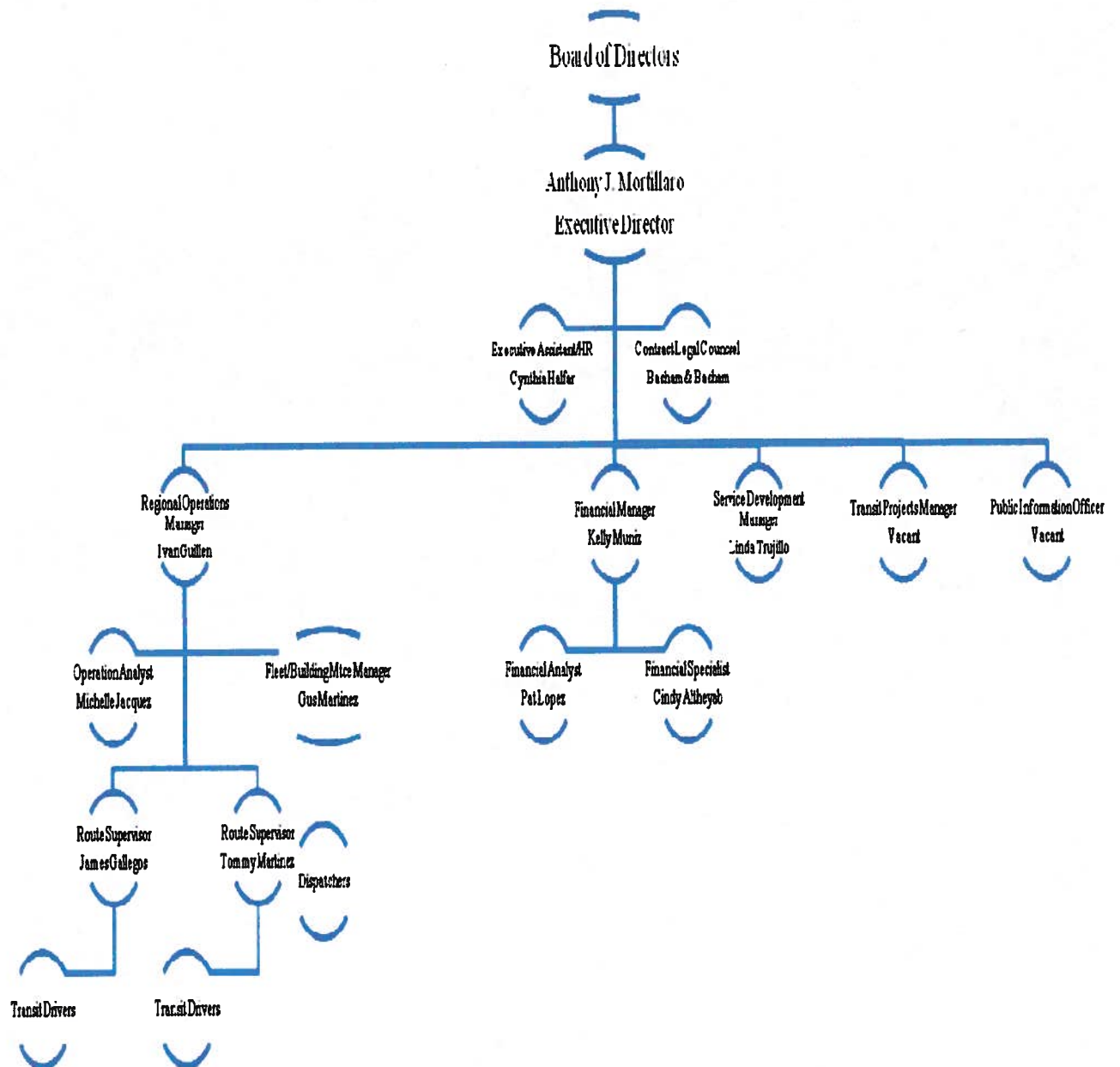
NCRTD Title VI Plan applies to all of the entities programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

Anthony J. Mortillaro
Executive Director
North Central Regional Transit District

Date

II. NCRTD Organizational Chart

Organizational Chart 11/2011



III. NCRTD History

In 2003, Governor Bill Richardson signed into law the Regional Transit District Act. This legislation authorized the creation of regional transit districts in the State of New Mexico.

In 2004, Governor Richardson signed legislation that allowed City and County Governments, that were members of a Regional Transit District, to go to the voters for approval of an increase of up to ½ of one percent in Gross Receipt Taxes to fund their participation in an RTD.

In September 2004, the North Central RTD was the first RTD to be certified by the New Mexico Transportation Commission.

In July 2006 the North Central Regional Transit District's Board of Directors approved the districts first service plan.

October 2007 the NCRTD began operating transit service in four counties.

In November 2008 the NCRTD was successful in passing a 1/8% county regional transit gross receipts tax to establish a reliable and sustainable source of financing.

NCRTD Overview

NCRTD strategic plan is to meet or exceed the public's needs and expectations.

The Mission of the NCRTD is to provide safe, secure and effective public transportation within North Central New Mexico, in order to enhance the quality of life of our citizens, by providing mobility options and to spur economic development throughout the region. Interconnectivity with existing transit providers is of primary import as well as the reduction of individual passenger car traffic.

NCRTD has assigned a Title VI Coordinator in accordance with Federal statutes and guidelines. The Title VI Coordinator oversees the development and implementation of the Title VI Plan and Program.

Goals and Objectives:

Goal 1: Establish a reliable and adequate source of financing for NCRTD transit services.

Objectives:

- Secure stable local funding through tax option in RTD legislation to match federal funds and state funds (should they become available).
- Maximize the utilization of available federal funds.

- Advocate for state funding for public transportation to allow a federal/state/local partnership on transit funding.
- Explore public/private partnerships.
- Explore creative financing opportunities that have been successfully used by other transit systems and local governments.

Goal 2: Increase personal mobility so that more people can contribute to, and participate in, the economic and social life of the larger community.

Objectives:

- Provide local and regional connecting service into and from the geographic boundaries of the NCRTD to major employment and community centers.
- Provide this service not only during commute times but throughout the day as well.
- Support commute options such as carpool, vanpool, and inter regional bus services, in addition to fixed route services.
- Either provide the service directly or through a contract provider, depending on costs, equipment and other operating issues.
- Develop a marketing and advertising strategy to increase awareness of this type of service.

Goal 3: Ensure that citizens of the NCRTD have access to critical lifeline services.

Objectives:

- Develop frequent, convenient and fully accessible service for the special needs population which prioritizes access to medical and special care services, and also strives to provide access to other services that contribute to a better quality of life for this segment of the population.
- Work with local coalitions of transportation and social service providers, community and advocacy groups and individuals to identify community needs and prioritize service investments.

Goal 4: Ensure that the NCRTD Service Plan is consistent and complementary to the Regional Transportation Policy Plan.

Objectives:

- Continue as an active participant working with the RPO's and the Santa Fe MPO.
- Quantify the benefits of an effective network of public transportation services and serve as an advocate for utilizing transit to help meet the Regional Transportation goals of the area.

Goal 5: Develop a set of performance measures that maximizes the use of all funds made available to the NCRTD.

- Establish a monitoring system that tracks trends in system performance, and overall success in providing quality public transportation services for residents of the NCRTD.

- Assist communities in developing new or improved ways of combining resources to fund the highest priority needs.
- Chart investments, service improvements and ridership over time to determine the best approach to providing services.

Goal 6: Reduce dependence on the private auto in order to contribute to improved air quality, reduce urban sprawl and lower levels of traffic congestion.

- Introduce a broad range of transit services that serves different markets.
- Develop high quality service that is complementary to the other modes, and is competitive with the private auto in terms of comfort, safety and convenience.
- Integrate transit service and land use policies.

IV. Requirement to Provide an Annual Title VI Certification and Assurance

NCRTD will submit its annual Title VI assurance as part of its annual Certification and Assurance submission to the Federal Transit Administration (FTA) in TEAM.

NCRTD shall collect an annual Title VI assurance from its subrecipients (if any) as part of the annual Certifications and Assurances provided by sub recipients to NCRTD.

V. Requirement to Develop Title VI Complaint Procedure

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any NCRTD service, program or activity (whether Federally funded or not) due to that person's religion, race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

An individual, group of individuals or entity may file a formal Title VI complaint with NCRTD. Complaints must be submitted to the NCRTD Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence).

The complaint should be submitted to the following address:

Attn: Anthony Mortillaro
Executive Director
NCRTD
3600 Rodeo Road B-6
Santa Fe, NM 87507
Phone: 505/438-3257

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT) within the 180 day period of the alleged discriminatory act (or latest occurrence).

The Title VI Coordinator will be responsible for notifying the respondent(s) of receipt of the complaint within five working days of receipt. The Title VI Coordinator's name and telephone number shall be included. Additionally the Title VI Coordinator will forward a copy of the complaint to the FTA Regional Office and NCRTD's General Counsel for review.

Title VI complaints received by NCRTD shall be documented by the representative receiving the complaint. This document shall include the name of the person filing the complaint, the time date and place the alleged incident occurred, as well as any other information necessary to fully explain the situation. The complaint shall be dated and assigned a tracking number for tracking purposes. All Title VI complaints shall be investigated and addressed with a formal written response within 30 days of the date the complaint is received.

Subrecipients (if any) of NCRTD shall use the Title VI complaint investigation and tracking procedures developed by NCRTD.

NCRTD does not have any Title VI lawsuits or complaints being investigated on the basis of religion, race, color, national origin, gender, age, disability, income status or limited English proficiency during the reporting period.
NCRTD does not have any subrecipients at this time.

VI. Requirement to Keep a Record of Title VI Investigations, and Lawsuits

NCRTD shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming NCRTD or its sub recipients that allege discrimination on the basis of religion, race, color, national origin, gender, age, disability, income status or limited English proficiency. This list shall include the date the investigation, lawsuit or complaint; and actions taken by NCRTD or its sub recipients in response to the investigation, lawsuit or complaint.

VII. Requirement to Provide Language Access

NCRTD has developed a Limited English Proficiency (LEP) Plan that directly corresponds to the New Mexico DOT's plan.

Limited English Proficiency

Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who may have limited ability to read, write or understand English.

According to the American Community Survey (ACS) for 2005-2009 five (5) year estimates for "Language Spoken at Home by the Ability to Speak English for the Population Five (5) Years and Over", New Mexico has 10.1% of its population speak English less than "very well".

Of the population of New Mexicans that speak a language other than English at home, 79% speak Spanish while around 15% speak Navajo or other Native American language.

Authority and Guidance

- Title VI of the Civil Rights Act of 1964
- Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency*
- 1987 Civil Rights Restoration Act

Federal publications providing implementing guidance:

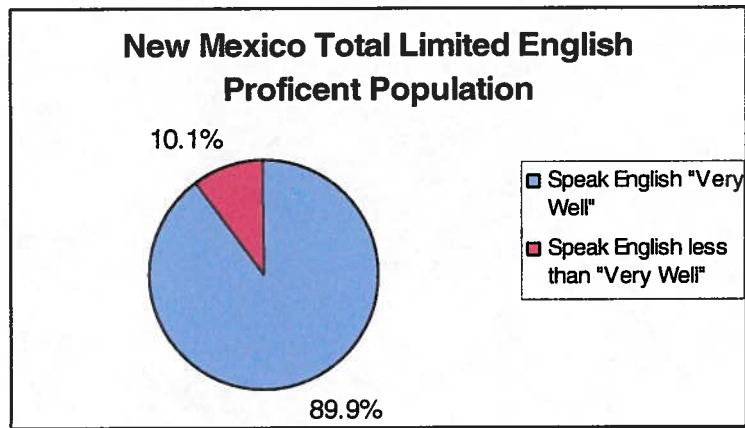
- United States Department of Justice Guidance, Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency, Federal Register/Vol. 65, No. 159, August 2000.
- United States Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency Persons, Federal Register/Vol. 70, No. 239/December 2005

Four Factor Analysis

LEP individuals should have the opportunity to meaningful access to services, programs and activities of recipients of federal or state funds. Access should include having language assistance provided at no cost to the LEP individual(s). A flexible and data driven analysis to assess the need for language assistance is covered by the following four factors:

Factor 1 - The number or proportion of LEP persons served or encountered in the eligible service population.

New Mexico has a Limited English Proficient population of 10.1% according to the American Community Survey (ACS) 5-year estimate for "Language Spoken at Home by the Ability to Speak English for the Population 5 Years and Over". This shows that a significant part of the population speaks English less than "Very Well" and NCRTD will ensure this population is not denied access to, be allowed to participate in, and not be subject to discrimination in any federally funded project.



It is important to understand the geographic breakdown of the 10.1% Limited English Proficiency population in New Mexico. The United States Department of Labor compiles a special tabulation of LEP information using 2000 Census data. This tabulation categorizes New Mexico's 33 counties into four regions (Central, Eastern, Northern, and Southwestern). The regions are broken down as follows in Table 1:

TABLE 1

Central	Eastern	Northern	Southwestern
Bernalillo	Chaves	Cibola	Catron
Sandoval	Curry	Colfax	Dona Ana
Torrence	De Baca	Los Alamos	Grant
Valencia	Eddy	McKinley	Hidalgo
	Guadalupe	Mora	Luna
	Harding	Rio Arriba	Sierra
	Lea	San Juan	Socorro
	Lincoln	San Miguel	
	Otero	Santa Fe	
	Quay	Taos	

	Roosevelt		
	Union		

Using the 2000 Census data, the LEP populations in these regions break down into the following primary languages in Table 2:

TABLE 2

Region	Population Estimate*	Speak English less than "very well"	LEP Pct.	Spanish	Navajo	Other Native Language	Chinese
Central	770,603	66,330	8.6%	86.3%	3.5%	-	1.1%
Eastern	313,227	27,157	8.7%	94.6%	2.6%	-	-
Northern	464,950	48,623	10.5%	61.3%	33.7%	3.0%	-
Southwestern	270,510	42,404	15.7%	97.4%	1.4%	-	-

*Source: American Community Survey, Data Set: 2005-2009 5 –Year Estimates B16001

Three of the four geographical regions have an LEP population between 8.6% and 10.5%. The Southwestern region has a higher LEP population of 15.7%. The counties in the Southwestern region either border or are in close proximity to the United States and Mexico boarder.

Three of the four regions have over 85% of the LEP population that speaks Spanish, with the Southwestern region having a LEP population of over 97% that speak Spanish. The Southwestern region having such a high concentration of LEP person speaking Spanish is again primarily due to three of the seven counties in that region bordering Mexico. The Northern region has the lowest Spanish speaking LEP population at 61.3%. This is due in large part to the number of Native American Pueblos and reservations in this region. The result is the highest regional concentration of LEP persons that speak Navajo or another Native American language at a combined 36.7%.

A further county by county breakdown of New Mexico's LEP population reveals that 27 of the 33 counties have a LEP population of at least 5% of their overall populations (Table 3, below). Only Harding (3.0%), De Baca (3.4%), Colfax (4.4%), Catron (3.4%), Los Alamos (2.4%) and Sierra (4.9%) counties did not have at least 5% of their population being Limited English Proficient. None of these counties with low LEP population are among the top half of overall most populated counties in New Mexico. In fact, Catron, De Baca and Harding counties are the three lowest populated counties in New Mexico. Therefore, New Mexico highest populated counties have the most significant LEP populations. In fact New Mexico has 9 counties that have a population greater than the state average of 10.1%, Dona Ana (18.2%), Santa Fe (13.0%), McKinley (20.9%), Lea (11.4%), Luna (18.1%), Socorro (11.5%), Mora (10.9%), and Hidalgo (11.6%). Of these counties that have over 10.1% LEP populations, five are among the top ten most populated counties in New Mexico, including two of the top three (Dona Ana and Santa Fe).

TABLE 3

In order to further drill down and understand the concentration of and degree different New Mexico's LEP population, a county by county analysis of the LEP population is provided.

Region	County	Population Estimate	Speak English less than "very well"	Pct.
Central				
	Sandoval	109,038	5,797	5.3%
	Bernalillo	579,910	53,840	9.3%
	Valencia	66,029	5,188	7.9%
	Torrence	15,626	1,505	9.6%
Central Total		770,603	66,330	8.6%
Eastern				
	Union	3,527	182	5.2%
	Harding	628	19	3.0%
	Quay	8,471	538	6.4%
	Guadalupe	4,255	269	6.3%
	De Baca	1,787	60	3.4%
	Curry	40,733	3,024	7.4%
	Roosevelt	17,259	1,096	6.4%
	Lincoln	19,744	1,073	5.4%
	Chaves	57,291	6,322	11.0%
	Otero	59,137	5,345	9.0%
	Eddy	47,603	3,220	6.8%
	Lea	52,792	6,009	11.4%
Eastern Total		313,227	27,157	8.7%
Northern				
	Cibola	25,079	2,157	8.6%
	Colfax	12,384	545	4.4%
	Los Alamos	17,436	426	2.4%
	Mora	4,722	514	10.9%
	Rio Arriba	37,310	3,327	8.9%
	San Juan	112,287	6,299	5.6%
	Santa Fe	135,125	17,622	13.0%
	San Miguel	26,860	2,506	9.3%
	McKinley	64,169	13,397	20.9%
	Taos	29,578	1,830	6.2%
Northern Total		464,950	48,623	10.5%
Southwestern				
	Catron	3,343	101	3.0%
	Socorro	16,914	1,944	11.5%
	Grant	27,919	1,829	6.6%
	Sierra	12,103	589	4.9%
	Hildago	4,687	544	11.6%
	Luna	24,521	4,444	18.1%
	Dona Ana	181,023	32,953	18.2%
Southwestern Total		270,510	42,404	15.7%
NEW MEXICO TOTAL		1,819,290	184,514	10.1%

In order to further drill down and understand the concentration of and degree different New Mexico's LEP population, a county by county analysis of the LEP population is provided.

Factor 2 - The frequency with which individuals come in contact with the program, activity or service.

NCRTD understands the more frequent the contact with an LEP population the more services should consider the need to effectively inform and communicate with the affected LEP population(s). Where the frequency merits, NCRTD will provide language assistance including:

- Multilingual staffing
- Telephone interpretation services
- Post LEP information signs in specified high volume public areas
- Translation or translated summary of vital documents

Public outreach to invite and promote public involvement for transportation projects and services to areas is central to a successful LEP Program. Transportation projects and services should consider appropriate LEP measures where LEP populations are affected.

Factor 3 - The nature and importance of the program, activity, or service provided by the program.

Analyzing and identifying where programs and services could have serious consequences to individuals if a language barrier exist preventing that individual from the benefit of that program or service is critical in the development of a complete LEP program.

The baseline of the evaluation of a program or service is that the more important the function of the program or service (e.g. a program is the primary transportation source for one's travel to employment), or importance of the information relating to that program or service (e.g. emergency evaluation procedures) the more likely the language services will be needed.

Factor 4 - The resources available to the recipient and cost.

The resources available to NCRTD will be focused on providing LEP assistance where the data suggests it is needed the most. The frequency of contact and importance of the

program to LEP populations will also help dictate where and what type of language assistance services should be provided. Any initiative or action to provide meaningful access to LEP persons should be based on what is necessary and reasonable from the four factor analysis.

Oral Language Services

LEP persons may require oral language interpretive services either in person (at public service locations or at public information meetings) or via telephone contact. Language assistance will be provided by multilingual staffing at NCRTD.

The NCRTD Title VI Coordinator shall develop a process to have the necessary oral language assistance services available by employing sufficient number of staff with bilingual Spanish fluency. A review of NCRTD division operations that handle high volume of public contact will also be conducted to assess the availability and diversity of staff to provide language assistance services.

If the decision is made to use a third party interpreter, beyond employing bilingual staff, the interpreter shall meet the following minimum qualifications:

- Have the ability to communicate accurately both in English and the language needing interpretation. Also, the interpreter must also have the ability to interpret in an effective manner (e.g. consecutive, simultaneous, summarization or slight translation).
- Have the knowledge and ability to communicate specialized terms and concepts in both languages.
- Understand role as impartial interpreter without deviating into the role of a consoler, legal advisor, or other partial.

Training and Monitoring LEP Program

The Title VI Coordinator shall identify NCRTD high volume public contact staff. The Title VI Coordinator or designate shall be responsible for training identified personnel, which will include a summary of the background of the LEP Plan and the processes and procedures for handling LEP persons' contact.

Title VI Coordinator Responsibilities

The Title VI Coordinator has the following responsibilities as related to LEP requirements:

- Monitor compliance of NCRTD LEP responsibilities
- Provide, as needed, technical assistance and guidance to NCRTD staff as related to LEP responsibilities.
- Coordinate the implementation of the LEP Plan.
- Provide training to appropriate staff of the LEP Plan.

- Report LEP statistical information.
- Provide assistance and guidance relating to LEP requirements to staff.

Monitoring and Updating LEP Plan

The Title VI Coordinator shall, periodically, review the LEP Plan for updating and revision. In addition, the Title VI Coordinator shall monitor the demographics of New Mexico and specifically areas where NCRTD programs, services and activities have the most presence. The LEP Plan shall be updated accordingly to any changes in the LEP demographics. Also, the Title VI Coordinator shall, as much as possible, incorporate public feedback in the evaluation and updating the LEP Plan. The public feedback component will be accomplished through the public meetings of the RTD Board. The RTD Board meets on a monthly basis on the first Friday of every month.

The following language is used on all agendas for Board meetings, "If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-438-3257 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats."

VIII. Requirement to Notify Beneficiaries of Protection under Title VI

The NCRTD Board of Directors oversees the NCRTD. The NCRTD provides a notice of beneficiary rights under Title VI on the District's Website www.ncrtd.org. Bilingual route brochures are available on-line and at its main Transit Facility located at Industrial Park Road, Espanola, New Mexico as well as on every transit vehicle.

IX. Requirement to Provide Additional Information upon Request

NCRTD shall respond to all written requests from FTA for information to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

X. Requirement to Prepare and Submit a Title VI Program

NCRTD shall submit a Title VI Program to the FTA Regional VI civil rights officer once every three (3) years.

XI. Guidance on Conducting an Environmental Justice Analysis of Construction Projects

The NCRTD does have a current construction project for its system during the report period. The contract between NCRTD and Stoven Construction Inc. states in Article 11, paragraph 11.9;

“Environmental Justice. The parties agree to facilitate compliance with the policies of Executive Order No. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” 42 U.S.C. § 4321 note, except to the extent that the federal government determines otherwise in writing.”

XII. Guidance on Promoting Inclusive Public Participation

NCRTD has implemented a Public Participation Plan as part of the Eight Northern Pueblo’s Regional Planning Organization (NPRPO). It is in accordance with the guidelines under the Final Rule of 23 CFR §450.316 Metropolitan Transportation Planning and in compliance with all federal laws and regulations throughout the public participation process, including adherence to Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990.

XIII. Public Participation Plan

The Title VI Coordinator, assigned to monitor transportation planning compliance with Title VI, shall:

- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Monitor NPRPO to ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.
- Report transportation planning accomplishments and identify problem issues and possible efforts to mitigate these issues.

XIV. 2012 Annual Plan

1. Training

Action Item	Completion Date
Identify personnel needing to complete Title VI training.	June 15, 2012
Schedule Title VI Training for identified personnel.	July 10, 2012
Conduct annual Title VI training	October 1, 2012

2. Compliance Review

Action Item	Completion Date
Monitor Title VI activities and conduct reviews as necessary	Continuous

3. Public Outreach

Action Item	Completion Date
Develop public outreach plan that will use various forms of communication to inform public of Title VI Rights (Website, pamphlets, training, etc.)	October 1, 2012
Monitor NCRTD policies and procedures for necessary Title VI (Civil Rights) language.	Continuous
Respond to all inquiries and issues brought by sub-recipients relating to Title VI	Continuous

4. Submit Title VI Plan Update

Action Item	Completion Date
Submit to FTA 2011 – 2013 Title VI Plan (include update from all program areas).	September 30, 2013

XV. NCRTD Title VI Assurances

NCRTD, NCRTD (hereafter referred to as the "Recipient") in keeping with our policy of nondiscrimination, hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d - 42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to: Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives. To that end, in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of religion, race, color, national origin, gender, age, disability, income status or limited English proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration (FTA). The NCRTD HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7 (a)(1) of the Regulations.

Anthony J. Mortillaro
Executive Director
North Central Regional Transit District

Date



North Central Regional Transit District (NCRTD)

Resolution 2012- 02

A RESOLUTION ADOPTING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S TITLE VI PROGRAM WHICH PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN FEDERALLY FUNDED PROGRAMS AND ACTIVITIES.

WHEREAS, the North Central Regional Transit District (NCRTD) receives Federal funds directly from the Federal Transit Administration (FTA) and;

WHEREAS, the NCRTD is mandated by FTA C 4702.1A to adopt Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005).

NOW, THEREFORE, BE IT RESOLVED that the North Central Regional Transit District Board of Directors hereby adopts the Title VI policy as shown in Exhibit "A" attached hereto and made part of this resolution.

**PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE
NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 6TH DAY OF
JANUARY 2012.**

Rosemary Romero, Chair

Approved as to form:

Peter Dwyer, Counsel



Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: January 6, 2012

Agenda Item # E

Title: Resolution 2012 – 03 authorizing the staff to seek funding during the 2012 New Mexico State Legislative Session.

Prepared By: Anthony J. Mortillaro, Executive Director

Summary: The attached resolution permits the staff to seek and secure capital outlay and other funding if available through the New Mexico Legislative process for replacement fleet, and other equipment or facility needs.

Background: The District Board has annually adopted a resolution providing the staff the latitude to submit for capital outlay requests through the legislative process.

Recommended Action: It is recommended that the Board move for approval of Resolution No 2012 - 03 .

Options/Alternatives: N/A

Fiscal Impact: None

Attachments:

Resolution 2012 - 03



North Central Regional Transit District ("NCRTD")

Resolution 2012-03

**SUPPORTING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD)
TO SEEK FUNDING DURING THE 2012 NEW MEXICO LEGISLATIVE SESSION**

WHEREAS, the NCRTD was created through legislative enactment (NMSA 1978, Section 73-25-1 et seq.); and

WHEREAS, the NCRTD is a sub-division of the State of New Mexico with all the authority and duties of the same (NMSA 1978, § 73-25-4); and,

WHEREAS, the NCRTD was approved and certified by the New Mexico Department of Transportation Commission on the 14th day of September 2004; and;

WHEREAS, the NCRTD is in its infant stage and in need of funds in order to expand its services to its members and citizens; and;

WHEREAS, the NCRTD executive staff is experienced with the New Mexico legislative process regarding securing funding for governmental projects that would benefit the NCRTD.

NOW, THEREFORE, BE IT RESOLVED by the NCRTD Board that the NCRTD executive staff is authorized to seek and secure Capital Outlay other funding during the 2012 New Mexico Legislative Session for projects that may benefit the NCRTD.

**PASSED, APPROVED, AND ADOPTED BY THE NORTH CENTRAL
REGIONAL TRANSIT DISTRICT BOARD ON THIS 6TH DAY OF JANUARY 2012.**

Rosemary Romero, Chairwoman

Approved as to form:

Peter Dwyer, Counsel

NCRTD Regional Transit Gross Receipts Taxes Collected

Budget versus Actuals for Fiscal Year 2012 through October

Percent of Year - Budgeted One Month Collection; Four of 12 Months:

33.00%

Entity	Date Received	Amount Collected	Month of Activity	Budget	% of Budget	Budget Variance
Los Alamos County	9/19/2011	130,017.53	2011-07		70.49%	-29.51%
	10/26/2011	215,860.60	2011-08		117.03%	17.03%
	11/22/2011	367,024.74	2011-09		198.99%	98.99%
	Not Received	51,497.93 (1)	2011-10		27.92%	-72.08%
		<u>764,400.80</u>		2,213,322.00	34.54%	1.54%
Rio Arriba County	11/14/2011	55,407.56	2011-07		116.95%	16.95%
	11/14/2011	58,813.99	2011-08		124.14%	24.14%
	Not Received	56,780.65	2011-09		119.85%	19.85%
	Not Received	54,911.49 (1)	2011-10		115.90%	15.90%
		<u>225,913.69</u>		568,528.00	39.74%	6.74%
Santa Fe County	9/22/2011	341,716.87	2011-07		115.55%	15.55%
	10/20/2011	353,580.90	2011-08		119.56%	19.56%
	11/21/2011	344,672.28	2011-09		116.55%	16.55%
	12/20/2011	310,170.00 (1)	2011-10		104.88%	4.88%
		<u>1,350,140.05</u>		3,548,688.00	38.05%	5.05%
Taos County	9/21/2011	65,693.15	2011-07		105.76%	5.76%
	10/20/2011	68,536.58	2011-08		110.34%	10.34%
	11/23/2011	64,462.09	2011-09		103.78%	3.78%
	Not Received	59,745.36 (1)	2011-10		96.18%	-3.82%
		<u>258,437.18</u>		745,391.00	34.67%	1.67%
Total Collected through October		2,598,891.72		7,075,929.00	36.73%	3.73%

(1) Revenue has not been received. Information was generated from N. M. Tax. & Revenue website.

North Central Regional Transit District
Summary Budget Comparison
From 7/1/2011 to 12/31/2011

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Budget	Year to Date Budget Variance - 50%
REV	4452000	Federal Grants	2,654,582.00	708,840.19	(2,052,301.18)	26.7%
REV	4452001	Tribal Transit Grants	0.00	4,749.00	4,749.00	0.0%
REV	4455000	Member Local Match (LA Contribution)	679,173.00	0.00	(679,173.00)	0.0%
REV	4455002	Cash Balance Local Match Distribution (LA Contribution)	0.00	600,000.00	600,000.00	0.0%
REV	4503000	Interest-Savings, Short-term CD	0.00	1,170.83	944.81	0.0%
REV	4545000	Tax Revenues	7,075,929.00	2,115,531.65	(5,354,814.99)	29.9%
REV	4641000	Advertising Sales	5,000.00	0.00	(5,000.00)	0.0%
REV	4642000	Insurance Proceeds	35,000.00	0.00	(35,000.00)	0.0%
REV	4643000	Miscellaneous Revenue	0.00	8,176.67	8,176.67	0.0%
REV	4649000	Charter Service Revenue	0.00	381.13	381.13	0.0%
REV	4721000	Fares	0.00	3,877.27	2,943.27	0.0%
TOTAL REVENUE			10,449,684.00	3,442,726.74	(7,509,094.29)	32.9%

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Budget	Year to Date Budget Variance - 50%
ADMINISTRATION						
EXP	6110105	Director	100,000.00	49,134.64	50,865.36	49.1%
EXP	6110110	Managers	65,936.00	33,082.30	32,853.70	50.2%
EXP	6110112	Financial Manager	63,726.00	36,973.18	26,752.82	58.0%
EXP	6110120	Accounting Staff	88,426.00	45,645.60	42,780.40	51.6%
EXP	6110125	Administrative Assistant	92,716.00	47,447.32	45,268.68	51.2%
EXP	6110150	Transportation Coordinator	63,726.00	31,928.80	31,797.20	50.1%
EXP	6110155	Public Works Director	79,222.00	39,603.20	39,618.80	50.0%
EXP	6110160	Marketing Manager	45,734.00	20,102.91	25,631.09	44.0%
EXP	6110165	Reserve for Leave Payouts	15,000.00	0.00	15,000.00	0.0%
EXP	6110180	Vehicle Allowance - Benefit	0.00	2,000.00	(2,000.00)	0.0%
EXP	6110205	FICA	45,861.00	22,608.65	23,252.35	49.3%
EXP	6110210	PERA	54,852.00	24,465.20	30,386.80	44.6%
EXP	6110215	Health Insurance	90,427.00	39,894.30	50,532.70	44.1%
EXP	6110220	Unemployment Insurance	6,844.00	509.32	6,334.68	7.4%
EXP	6110225	Workers' Compensation	8,692.00	5,968.10	2,723.90	68.7%
EXP	6110230	Other Fringe Benefits	10,047.00	5,182.57	4,864.43	51.6%
EXP	6110235	Miscellaneous Reserve	51,540.00	0.00	51,540.00	0.0%
EXP	6110290	Bank Service Charges	0.00	5.20	(5.20)	0.0%
EXP	6110295	Penalties/Interest	0.00	2,813.87	(2,813.87)	0.0%
EXP	6110315	Postage	2,000.00	600.21	1,399.79	30.0%
EXP	6110320	Telephone	15,000.00	6,156.14	8,843.86	41.0%
EXP	6110325	Cell Phone	4,560.00	2,678.22	1,881.78	58.7%
EXP	6110400	Contractual Services	151,100.00	62,494.49	88,605.51	41.4%
EXP	6110405	Audit	35,000.00	43,048.24	(8,048.24)	123.0%
EXP	6110410	Advertising	50,000.00	11,247.27	38,752.73	22.5%
EXP	6110415	Advertising-Other	5,000.00	213.92	4,786.08	4.3%
EXP	6110420	Contractual Services - Other	68,500.00	0.00	68,500.00	0.0%
EXP	6110425	IT Hardware/Software Support	6,000.00	1,999.00	4,001.00	33.3%
EXP	6110500	Dues and Subscriptions	6,100.00	1,415.00	4,685.00	23.2%
EXP	6110605	Equipment Rental	2,400.00	1,500.00	900.00	62.5%
EXP	6110610	Equipment Repair & Maintenance	2,500.00	154.71	2,345.29	6.2%
EXP	6110615	Computer Repair & Maintenance	6,000.00	3,388.63	2,611.37	56.5%
EXP	6110705	Property Insurance	8,294.00	8,294.00	0.00	100.0%
EXP	6110710	General and Employee Liability	4,263.00	4,263.00	0.00	100.0%
EXP	6110725	Vehicle Insurance	2,239.00	2,239.00	0.00	100.0%
EXP	6110750	Meals and Meeting Expenses	2,000.00	279.49	1,720.51	14.0%
EXP	6110805	Office Rent	19,200.00	14,400.00	4,800.00	75.0%
EXP	6110810	Utilities	5,000.00	1,699.02	3,300.98	34.0%
EXP	6110815	Janitor	3,426.00	2,921.04	504.96	85.3%
EXP	6110905	Drug and Alcohol Testing	300.00	0.00	300.00	0.0%
EXP	6111000	Printing	7,000.00	5,526.99	1,473.01	79.0%
EXP	6111105	Office Supplies	19,050.00	9,619.02	9,430.98	50.5%
EXP	6111110	Furniture & Equipment under 5K	15,000.00	16,329.16	(1,329.16)	108.9%
EXP	6111115	Janitorial Supplies	4,700.00	80.61	4,619.39	1.7%
EXP	6111200	Training	3,025.00	768.98	2,256.02	25.4%
EXP	6111305	Mileage	5,300.00	1,194.65	4,105.35	22.5%
EXP	6111315	Per Diem	9,000.00	646.44	8,353.56	7.2%

North Central Regional Transit District
Summary Budget Comparison
From 7/1/2011 to 12/31/2011

EXP	6111320	Registration Fees	2,000.00	0.00	2,000.00	0.0%
SUB-TOTAL ADMINISTRATION			1,346,706.00	610,522.39	736,183.61	45.3%

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Budget	Year to Date Budget Variance - 50%
OPERATING						
EXP	6110205	FICA	86,773.00	36,305.63	50,467.37	41.8%
EXP	6110210	PERA	103,789.00	40,191.68	63,597.32	38.7%
EXP	6110215	Health Insurance	182,700.00	85,256.18	97,443.82	46.7%
EXP	6110220	Unemployment Insurance	16,106.00	5,549.98	10,556.02	34.5%
EXP	6110225	Workers' Compensation	73,308.00	83,699.24	(10,391.24)	114.2%
EXP	6110230	Other Fringe Benefits	34,491.00	13,834.34	20,656.66	40.1%
EXP	6110705	Property Insurance	20,706.00	1,633.00	19,073.00	7.9%
EXP	6110710	General and Employee Liability	14,512.00	16,856.00	(2,344.00)	116.2%
EXP	6110715	Civil Rights	3,500.00	3,310.65	189.35	94.6%
EXP	6110725	Vehicle Insurance	74,425.00	51,127.83	23,297.17	68.7%
EXP	6111115	Janitorial Supplies	5,000.00	0.00	5,000.00	0.0%
EXP	6111305	Mileage	700.00	0.00	700.00	0.0%
EXP	6111315	Per Diem	1,300.00	672.02	627.98	51.7%
EXP	6200005	Operating Expense Transfer - Railrunner	1,774,344.00	695,363.39	1,078,980.61	39.2%
EXP	6200010	Operating Expense - Los Alamos County	1,415,186.00	234,751.41	1,180,434.59	16.6%
EXP	6200015	Operating Expense - City of Santa Fe	967,630.00	292,890.14	674,739.86	30.3%
EXP	6220105	Supervisors	139,568.00	43,462.40	96,105.60	31.1%
EXP	6220110	Drivers	881,306.00	387,940.76	493,365.24	44.0%
EXP	6220115	Driver Overtime	62,400.00	26,060.91	36,339.09	41.8%
EXP	6220120	Dispatcher	33,618.00	16,940.54	16,677.46	50.4%
EXP	6220125	Janitor	7,500.00	0.00	7,500.00	0.0%
EXP	6220130	Maintainer	40,794.00	21,008.00	19,786.00	51.5%
EXP	6220165	Reserve for Leave Payouts	25,000.00	0.00	25,000.00	0.0%
EXP	6220235	Miscellaneous Reserve	20,460.00	0.00	20,460.00	0.0%
EXP	6220305	Cell Phone	5,200.00	342.00	4,858.00	6.6%
EXP	6220320	Telephone	8,000.00	403.33	7,596.67	5.0%
EXP	6220605	Building Maintenance	10,000.00	316.96	9,683.04	3.2%
EXP	6220610	Maintenance Machinery & Equipment	1,500.00	110.00	1,390.00	7.3%
EXP	6220615	Utilities	22,500.00	2,280.58	20,219.42	10.1%
EXP	6220620	Furniture and Equipment	4,000.00	0.00	4,000.00	0.0%
EXP	6220630	Insurance/Snow Removal (MA Agora)	6,000.00	3,200.00	2,800.00	53.3%
EXP	6220705	Uniforms	10,000.00	0.00	10,000.00	0.0%
EXP	6220805	Shop Supplies	9,000.00	3,839.52	5,160.48	42.7%
EXP	6220810	Physicals	500.00	739.07	(239.07)	147.8%
EXP	6220900	Training	2,500.00	286.94	2,213.06	11.5%
EXP	6221105	Fuel	382,001.00	123,716.56	258,284.44	32.4%
EXP	6221110	Cell Tower Rental Fees	5,400.00	0.00	5,400.00	0.0%
EXP	6221115	Oil and Lubricants	17,000.00	3,667.74	13,332.26	21.6%
EXP	6221117	Hazardous Waste Disposal	4,000.00	0.00	4,000.00	0.0%
EXP	6221120	Replacement Parts	43,000.00	16,239.15	26,760.85	37.8%
EXP	6221125	Tires	28,000.00	9,243.17	18,756.83	33.0%
EXP	6221130	Vehicle Maintenance - Repair	92,000.00	25,843.79	66,156.21	28.1%
EXP	6221135	Painting	5,000.00	3,899.68	1,100.32	78.0%
SUB-TOTAL OPERATING			6,640,717.00	2,250,982.59	4,389,734.41	33.9%

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Budget	Year to Date Budget Variance - 50%
CAPITAL						
EXP	6330105	Buildings	1,226,990.00	699,955.10	527,034.90	57.0%
EXP	6330115	Furniture & Fixtures	89,109.00	13,831.21	75,277.79	15.5%
EXP	6330125	Other Capital Expenses	449,679.00	0.00	449,679.00	0.0%
EXP	6330135	Passenger Bus	870,062.00	771,069.96	98,992.04	88.6%
EXP	6330155	Bus Shelters	76,421.00	2,915.94	73,505.06	3.8%
SUB-TOTAL CAPITAL			2,712,261.00	1,487,772.21	1,224,488.79	54.9%

TOTAL EXPENDITURES			10,699,684.00	4,349,277.19	6,350,406.81	40.6%
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NOTE: Revenues and Expenditures will not match due to \$250,000 bar budgeted from Cash Balance



EXECUTIVE REPORT For December 2011

EXECUTIVE

- Attendance in various NCRTD staff and subcommittee meetings, including Board, Finance, Task Force, and Tribal Subcommittee meetings
- Invitation to NCRTD membership sent to various entities. Entities consisted of Nambe Pueblo, Taos Pueblo, Picuris Pueblo, Jicarilla Pueblo, Town of Taos, Village of Chama, Town of Red River, Town of Edgewood, Village of Questa, and Village of Taos Ski Valley
- Executive Director and an interview panel conducted interviews for the Public Information Officer position.
- Executive Director attended meetings to discuss funding for Edgewood route
- Executive Director and Transit Project Manager met with Building Project Manager, specialists, and contractor regarding issues with Jim West Center. Researched solutions and specialists for soil condition
- Met with various vendors to provide quotes for the transition to Espanola
- Presentation at annual conference of Neighborhood Law Center
- Met with NCRTD drivers regarding various operational and personnel issues
- Revision and creation of various NCRTD policies, including personnel, financial, marketing, and operational policies
- Executive Director maintained continuous communication with board members, subcommittee members, and Chair

OPERATIONS

- Completed November Ridership Reports. Was e-mailed to the NCRTD Board and members and guests of the RPA

- Research and subsequent creation of Title VI and Disadvantaged Business Enterprise Policy for FTA compliance
- Research begun on DOT/FTA checklist of regulations and compliance items
- Completed and submitted NTD report to Department of Transportation
- Compiled inventory information for Handi-Hut regarding replacement parts and installation parts for shelters
- Completed analysis of City of Santa Fe stops for effectiveness
- Analysis of route to Nambe and subsequent additional stop at 101 added to accommodate request from Nambe Pueblo
- Completed update of all Santa Fe county routes for the RPA meeting on 1/17/12
- Attended NPRP regarding results of application rankings
- Conducted Crisis Management and Customer Assistance and Sensitivity Training
- Conducted safety meeting for drivers
- Developed draft for inclement weather policy
- Driver uniforms expected to be delivered in January 2012.